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ABSTRACT

This report of the New Hampshire Advisory Committee to the U.S. Commission on Civil Rights contends that the Manchester, New Hampshire, school department has failed to provide adequate bilingual instruction for language minority students in that district, as specified by the provisions of Title VI and the "Lau v. Nichols" decision. It further contends that the regional office of the Department of Education's Office of Civil Rights (OCR) failed to adequately monitor Manchester's Civil Rights Compliance Plan. Chapter I of the report summarizes the Advisory Committee's findings and recommendations. Chapter II indicates how the needs of language minority students in the area came to the Committee's attention, summarizes Federal laws and regulations mandating equal educational opportunities for language minority children, and defines several important terms used to identify and classify such students. Chapter III is a historical summary of the problem and resulting compliance plan for Manchester; Chapter IV summarizes the exchange of documents between the Manchester School Department and OCR; and Chapter V provides a section-by-section comparison between the "Lau" remedies developed by an HEW Task Force; the text of the Compliance Plan developed by the Manchester School Department and accepted by HEW's Region I Office for Civil Rights; and an analysis of the compliance plan prepared by consultants to the Advisory Committee. Several appendices provide back-up documentation relating to the investigation. (CJM)

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Shortchanging the Language-Minority Student

AN EVALUATION OF THE MANCHESTER, NEW HAMPSHIRE SCHOOL DEPARTMENT'S TITLE VI CIVIL RIGHTS COMPLIANCE PLAN

December 1982

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The U.S. Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, age, handicap, religion, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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ACKNOWLEDGEMENTS

The New Hampshire Advisory Committee wishes to thank the staff of the Commission's New England Regional Office. The report was the principal staff assignment of Elpidio Collazo with clerical support from Marilyn Kittle and Sylvia Cooper. Consultants Drs. Patricia M. Arredondo-Dowd and Maria Lombardo (Cultural Language Assessment Research Associates) provided the analysis of the Manchester School Department's compliance plan and its implementation and OCR's monitoring of the plan, and prepared the first draft of the report. The project was undertaken under the overall supervision of Jacob Schlitt, director, New England Regional Office.

Shortchanging the Language-Minority Student

AN EVALUATION OF THE MANCHESTER, NEW HAMPSHIRE SCHOOL DEPARTMENT'S TITLE VI CIVIL RIGHTS COMPLIANCE PLAN

ATTRIBUTION:

The findings and recommendations contained in this report are those of the New Hampshire Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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LETTER OF TRANSMITTAL

New Hampshire Advisory Committee to
the U.S. Commission on Civil Rights

December 1982

MEMBERS OF THE COMMISSION
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John Hope III, Acting Staff Director

Dear Commissioners:

The New Hampshire Advisory Committee to the U.S. commission on Civil Rights, pursuant to its responsibility to advise the Commission on civil rights issues in its State, submits this report on Shortchanging Language-Minority Students: An Evaluation of the Manchester, New Hampshire School Department's Title VI Civil Rights Compliance Plan. The report is based on an investigation conducted by the Advisory Committee, and an analysis of the school district's plan and its implementation by consultants to the Committee. The report also evaluates the role of the Office for Civil Rights (OCR) of the U.S. Department of Education in monitoring the plan.

Since 1975, the Advisory Committee has been concerned with the Manchester School Department's treatment of language-minority students. The Committee had learned that these students had been placed in the same school that housed educable mentally retarded, and subsequently requested OCR's Region I to initiate a compliance review. The Manchester School Department was found in non-compliance of Title VI of the Civil Rights Act of 1964, and a compliance plan was drafted, and accepted by OCR in December 1977.

Allegations of non-compliance with the provisions of the plan, in the years following its approval, prompted the Advisory Committee to undertake this study. The Committee found that the school district failed to provide a bilingual program for language-minority students and did not have objective procedures for determining language dominance and proficiency, thus limiting the number of students in the program. It did not have adequate procedures for assessing the success of students, nor did the school district have qualified personnel to make the language assessments or conduct a bilingual program. Neither did it have a systematic process for communicating with non-English-speaking parents.

Finally, the Advisory Committee found that OCR approved a compliance plan that was inadequate, it failed to monitor the plan or assist in its implementation, and it permitted the school district to submit late and inadequate reports.

The Advisory Committee is calling upon the Manchester School Department to draft new sections of the compliance plan, instituting a bilingual program; undertake more accurate testing of language proficiency; develop individualized needs profiles, education plans and systematic evaluations for students in the program; familiarize all teachers in the Manchester school system with the program, and hire bilingual teachers. It is also recommending that the Assistant Secretary for Civil Rights of the U.S. Department of Education determine why its regional office failed to monitor the plan, and urge the regional office to monitor the plan's implementation more carefully in the future.

Despite their growing numbers, there appears to be declining interest in, and enthusiasm for, the needs of the language-minority student. But the members of the New Hampshire Advisory Committee believe that Title VI and Lau v. Nichols are still valid, and continue to look to the U.S. Commission on Civil Rights for leadership in upholding the rights of the language-minority student.

Respectfully,

ANDREW T. STEWART
Chairperson
New Hampshire State
  Advisory Committee

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Chapter I

Findings and Recommendations

The study of the Manchester, New Hampshire, School Department's Title VI Compliance Plan that follows was undertaken by the New Hampshire Advisory Committee to the United States Commission on Civil Rights because of the Committee's long-standing concern with the treatment of language-minority students by the Manchester school system.

It is based on research conducted by the New Hampshire Advisory Committee, staff of the New England Regional Office, and outside consultants. Officials of the Regional Office of the Office for Civil Rights (OCR) of the U.S. Department of Education and the Manchester School Department were interviewed, correspondence between OCR and the school district was studied, and the minutes of the Language Proficiency Assessment Team (LAPAT) were reviewed.

The key question in the minds of the Advisory Committee members was whether the conditions which led OCR to find the Manchester School Department in violation of Title VI were improved after the OCR-approved plan went into effect. The Advisory Committee concluded they were not.

The Advisory Committee is keenly aware of changes in the approach to language-minority students being contemplated (and implemented) by the U.S. Department of Education. It recognizes, as Maria Montalvo indicated in her comments on the draft of this report (October 12, 1982), "...The Lau Remedies have been withdrawn and departmental directives require that we use a more flexible approach in determining the district's compliance with Title VI." Nevertheless, the Advisory Committee believes the Lau Remedies constituted a sound standard to be followed.

Based on its observations in the course of this study, the Advisory Committee urges the U.S. Commission on Civil Rights to reaffirm the conclusion it reached in its May 1975 report, A Better Chance to Learn: Bilingual Bicultural Education:

> ...bilingual bicultural education is the program of instruction which currently offers the best vehicle for large numbers of language minority students who experience language difficulty in our schools. (p. 137)

The following findings and recommendations are submitted under the provisions of Section 703.2 (e) of the U.S. Commission on Civil Rights' regulations calling upon Advisory Committees to "initiate and forward advice and recommendations to the Commission upon matters which the State Committees have studied."

Finding One

The Manchester School Department Compliance Plan calls for a Transitional Bilingual Education Program at the elementary and intermediate levels. It does not have such a program for language-minority students. What it does have is an English-as-a-Second-Language (ESL) program consisting of two self-contained classrooms with students grouped according to ages (6-10 and 11-16). During the 1980-81 academic year, the program consisted of English language instruction and instruction of content areas in English.

The New Hampshire Advisory Committee finds that many of the conditions that OCR found to constitute violations of Title VI of the Civil Rights Act of 1964 remain, not only because Manchester's Compliance Plan is not being followed, but also because, as the analysis demonstrated, sections of the plan were not in conformity with the guidelines to begin with.

Recommendation One

New sections of the Title VI Compliance Plan should be drawn up by the Manchester School Department. They should follow the Lau Guidelines, and where appropriate, a bilingual program with content instruction in native languages, should be offered, in addition to ESL instruction.

Finding Two

The District's method for determining each student's primary or home language is not objective. Manchester's plan does outline some formal procedures for determining students' language dominance, but they were not followed. Instead, a subjective procedure was followed in which there was no cross-validation between parents' and teachers' responses. LAPAT did not review the students' original classifications, although the plan dictates that it should. The end result is that there is no assurance that the target population for the bilingual education program was being identified correctly. The 1978 survey identified 413 limited-English-speaking students requiring testing. and 842 additional students as possibly requiring testing. (It should be noted that the first area of concern in OCR's July 1982 monitoring review was the absence of acceptable testing instruments for language dominance, as well as for proficiency and achievement.)

Recommendation Two

A district-wide census to determine primary home language should be made and the State Department of Education should ensure that it is accurate. At each school, qualified personnel (i.e., bilingual teachers, psychologists, and special education specialists) should help determine language dominance. Parent and teacher opinions on language dominance should be cross-validated. LAPAT should individually determine each student's final Lau classification.

(OCR recommended that the district should research other testing instruments and contact bilingual program directors.)

Finding Three

There is no evidence that the Manchester School Department has determined adequately each student's language proficiency. When tests are used, they are not in the student's dominant language, nor do they measure all aspects of language proficiency. When interviewed, the teachers themselves expressed dissatisfication with the tests.

Recommendation Three

Tests recommended by the National Origin Assessment and Dissemination Center should be considered to determine language proficiency. These tests should be systematically administered and evaluated by professionals who are fluent in the languages involved.

Finding Four

According to the plan, LAPAT should develop an individualized needs profile or educational plan for each student. However, school officials were unable to produce such profiles when requested by the consultants. LAPAT minutes say only that these profiles are "in process." (This too was confirmed by OCR's monitoring review. Basic information was absent from the student record files.)

Recommendation Four

LAPAT should follow the plan and produce an individualized needs profile and education plan for each student as soon as possible. This task will be made much easier once an adequate and systematic testing program is in place. Teachers should follow these individual plans closely. (OCR also called for periodic updating of the files.)

Finding Five

Most parents do not participate in the program, and there appears to be little or no ongoing communication between the program and the growing Hispanic community of Manchester. There is no systematic process for informing parents of students' academic progress, programs, and school activities. (According to OCR there are no procedures for notifying parents who speak languages other than Spanish and French.)

Recomendation Five

Section VI of the Manchester plan which outlines an active outreach program to parental and community groups should be followed strictly. The Mayor, as school board chairman, should establish a balanced advisory board, composed of language-minority parents, school personnel, and members of ethnic community organizations, for the purpose of monitoring the implementation of the new plan and reporting on the progress of the program to the school board and to OCR.

Finding Six

There is no adequate procedure for assessing the success of individual students and of the program as a whole. There is no achievement testing within the program, and grade level determination is based on informal teacher observation. Moreover, there is no evidence that a structured and systematic criterion for exiting students from the program is actually being followed, nor is there evidence that students who leave the program meet with success in the mainstream class, despite the fact that the plan requires three years of followup. Mainstreamed students who perform poorly on standardized tests are not referred back to the program. The school district has not submitted progress reports to OCR in a timely manner, and these reports do not provide quantitative or evaluative data on the progress of the students. (OCR observed that there was no evidence of monitoring of academic achievement, formally or informally).

Recommendation Six

The Manchester School Department should establish a systematic evaluation of students in the program as well as followup of those who have been mainstreamed. Qualified personnel should be involved in the assessment process. The results of this evaluation and followup should be acted upon -- students with a demonstrated ability to learn in English should be mainstreamed, and those who are achieving below the district norms in the mainstream should be assisted in a bilingual or ESL program. The Manchester School Department should submit the results of this evaluation and followup every three months to OCR.

Finding Seven

The Manchester School Department has failed to provide adequate personnel to make the language assessments and to conduct a bilingual program. The entire district has only two ESL teachers and two aides. There is no evidence of staff training to help teachers understand the program.

Recommendation Seven

The Manchester School Department should familiarize all teachers with the goals and application of bilingual education. Qualified language assessment personnel and bilingual teachers should be hired for every significant foreign-language group in the district. The tasks outlined in Section V of the Manchester plan should be carried out.

Finding Eight

The Office for Civil Rights should not have approved the Manchester Voluntary Compliance Plan in 1977. As the analysis in Chapter IV indicates, it did not comply with the Lau Remedies in several respects at the outset. OCR compounded this by not visiting the Manchester School Department to monitor the Compliance Plan until July 1982, and by permitting the district to submit late and inadequate quarterly progress reports. When it did review the plan's implementation in July 1982, OCR found the school district in compliance, but then cited five critical "areas of concern," which call its finding into question. OCR has failed to carry out its responsibility to ensure that the school department complied with its legal obligation to meet the language needs of its language-minority students.

Recommendation Eight

An amended Compliance Plan, with timetables, conforming to the Lau Remedies should be carefully monitored by OCR. OCR should respond to and comment on each quarterly progress report, and should insist that such reports be thorough and prompt. The Assistant Secretary for Civil Rights should attempt to determine how this failure to monitor the compliance plan was allowed to occur and to require improved performance in the future, if necessary providing additional staff.

The New Hampshire Department of Education should independently monitor the program for language-minority students in Manchester.

Chapter II

Background

In 1975, members of Manchester's Hispanic community informed the Advisory Committee of their concerns about the adequacy of the Manchester School Department's educational program for meeting the needs of the language-minority students. They charged that the existing program for non-English-speaking children did not conform with legal requirements.

Moreover, they asserted that linguistic-minority children were placed in the same school with mentally retarded children, a fact corroborated by the Elementary and Secondary School Civil Rights Survey (Individual School Campus Report: Form OS/CR102 for 1974-75, and 1976-77, of OCR). The forms, containing information on the school district's student population by school, indicated that the linguistic-minority children were classified as Specific Learning Disabled. This classification is defined by OCR as including pupils having perceptual handicaps, brain injury, dyslexia, developmental aphasia and the like. The term does not include language minority students.

In July 1976, the Advisory Committee wrote to John G. Bynoe, OCR regional director, calling these charges to his attention, and requesting that OCR initiate a compliance review to determine whether Manchester's program for language-minority students complied with legal standards.[1] OCR has the responsibility to ensure that Federal civil rights requirements are met by recipients of Federal education aid funds.

In accordance with the request of the Advisory Committee, OCR conducted an investigation and concluded that the school department was not in compliance with Title VI of the Civil Rights Act of

1964.[2] A voluntary plan was developed by the Manchester School Department to bring it into compliance with the law. The document, called the Compliance Plan, was accepted by OCR on December 30, 1977, "as the official document to be used for the correction of the violations."[3] As part of this plan, progress reports were to be submitted by the school department beginning on April 30, 1978 and quarterly thereafter.[4]

In 1979, in 1980, and as late as October 1982, the Advisory Committee was informed by members of the Hispanic community that they believed language-minority students continued to be denied equal educational opportunity.[5] Although the linguistic-minority children were removed from the school for the mentally retarded, they claimed the approach to identifying and educating non-English-speaking children saw no improvement.

In order to determine whether the compliance plan was being properly implemented, the Advisory Committee retained consultants[6] to review the plan as well as to review the minutes of the meetings of the Manchester Language Proficiency Assessment Team (LAPAT), quarterly reports submitted by the Manchester School Department to OCR and relevant communications between the Manchester School Department, the Manchester School Board and OCR. In addition, staff of the New England Regional Office of the U.S. Commission on Civil Rights, members of the New Hampshire Advisory Committee, and the consultants interviewed various persons including Henry J. McLaughlin, Superintendent; Louis R. DesRuisseaux, and Dr. Elise B. Tougas, Assistant Superintendents; Ms. Laila Duffy and Ms. Alix Guerin, English-as-a-Second-Language (ESL) teachers; and Maria Montalvo, Director of OCR's Elementary and Secondary Education Division.

The assessment of the compliance plan was made within the context of the Federal laws and regulations described below. These measures served to guide the research, the analysis, and the conclusions.

The legal authority for requiring certain education programs to address the needs of language-minority students is grounded in Title VI of the Civil Rights Act of 1964,[7] which prohibits discrimination on the basis of race, color or national origin in the operation of Federally assisted programs. Title VI does not explicitly apply to educational grants or to language-minority children. However, Title VI has been interpreted, first by OCR and later by the Supreme Court of the United States, as establishing an obligation that school districts receiving Federal funds must provide programs for children who do not speak English, to enable those children to participate in a meaningful way in the school district's education programs. Failure to provide such programs to non-English-speaking children constitutes unlawful discrimination in violation of Title VI.

In May 1970, the U.S. Department of Health, Education, and Welfare issued a memorandum from J. Stanley Pottinger, OCR Director, to school districts with more than 5 percent national origin minority children, specifying that compliance with Title VI required school districts to try to remedy the language deficiencies of linguistic-minority students who because of their lack of ability in English are excluded from effective participation in the educational programs offered by that school district.[8] The interpretation of Title VI set forth in this memorandum was later upheld by the Supreme Court.

In the 1974 case of Lau v. Nichols, the Supreme Court ruled that Title VI required school districts receiving Federal funds to address the needs of non-English-speaking children.[9] The Court found that the San Francisco Unified School District was denying equal educational opportunity in violation of Title VI to the non-English-speaking students of Chinese ancestry in the school system. The Court found that by failing to provide remedial English instruction to the Chinese-speaking children, the school system foreclosed the opportunity for these children to obtain a meaningful education.

Neither the Lau opinion nor the May 25, 1970, Pottinger Memorandum specified what types of steps a school district should take to rectify the language deficiencies of students in order for them to be able to participate in the district's instructional programs. After the Lau decision, HEW convened a task force to develop suggested courses of action for remedying such violations of Title VI. The task force findings, which became known as the Lau Remedies, were issued in 1975 by HEW's Office for Civil Rights.[10] Though they are guidelines rather than official regulations, they became the governing principles used by OCR in determining a school system's compliance with the law.

The Lau Remedies recommended procedures for school districts to follow in order to identify limited-English-speaking students and provide appropriate language instruction. They require that when a school district identifies 20 or more students of the same language group with a primary language other than English, it must establish a special language program for such children.[11] The types of programs allowed under the Lau Remedies for students at the elementary and intermediate levels are (1) a transitional bilingual education program, (2) a bilingual-bicultural program or (3) a multicultural-multilanguage program.[12] The Lau Remedies observed that an English-as-a-Second Language program was inadequate for servicing students who were dominant in a language other than English,[13] but it should be noted that the Remedies were not formal regulations.

To help understand the terminology used, the following "Definition of Terms" is from Section IX of the Lau Remedies (and is therefore omitted from Chapter IV):

1. Bilingual/Bicultural Program

A program which utilizes the student's native language and cultural factors in instruction maintaining and further developing all the necessary skills in the student's native language and culture while introducing, maintaining and developing all the necessary skills in the second language and culture. The end result is a student who can function, totally, in both languages and cultures.

2. English-as-a-Second Language (ESL)

A structured language acquisition program designed to teach English to students whose native language is not English.

3. High Intensive Language Training (HILT)

A total immersion program designed to teach students a new language.

4. Multilingual/Multicultural Program

A program operated under the same principles as a Bilingual/Bicultural Program except that more than one language and culture, in addition to English language and culture, is treated. The end result is a student who can function, totally, in more that two languages and cultures.

5. Transitional Bilingual Education Program (TBE)

A program operated in the same manner as a Bilingual/Bicultural Program, except that once the student is fully functional in the second language (English), further instruction in the native language is no longer required.

6. Underachievement

Underachievement is defined as performance in each subject area (e.g. reading, problem solving) at one or more standard deviations below district norms as determined by some objective measures for non-ethnic/racial minority students. Mental ability scores cannot be utilized for determining grade expectancy.

7. Instructional Personnel

Persons involved in teaching activities. Such personnel includes, but is not limited to, certified, credentialized teachers, para-professionals, teacher aides, parents, community volunteers, youth tutors, etc.

In August 1980, the U.S. Department of Education[14] proposed formal bilingual education regulations similar to the Lau Remedies. The proposals were not adopted and were subsequently withdrawn the following February. However, U.S. Secretary of Education Terrell M. Bell indicated at the time that Title VI, the legislation requiring equal educational opportunity for language-minority students, was to be observed; and withdrawal of the proposed regulations did not indicate the eradication of bilingual education. Secretary Bell also noted that other programs could be acceptable, as long as they provide equal educational opportunities.

In December 1981, the U.S. Commission on Civil Rights wrote Secretary Bell asking for clarification regarding the regulatory policies in effect with respect to limited-English-proficient students.[15] In January 1982, Secretary Bell replied that OCR is reviewing the issue, and stated:

> As a legal matter, the May 25, 1970 Memorandum, rather than the "Lau Remedies," functions as the interpretive guidelines under the Title VI regulation by which OCR measures whether a school district is in compliance with Title VI. The "Lau Remedies" set forth one alternative program to be suggested to a school district only after a violation of the Title IV [sic] regulation and the May 25, 1970 Memorandum has been identified.

However, it was because school officials found the May 25, 1970 Memorandum lacking in clarity that the Lau Remedies were developed following the Supreme Court decision.

In April 1982, Secretary Bell said that school districts will no longer be held to bilingual education agreements. "They can revise them if they want to. They're free to file a request to amend them any time they want," Bell remarked.[16]

In addition to Title VI, other Federal legislation pertaining to language-minority students includes the Bilingual Education Act of 1968. This law does not establish requirements for bilingual education but rather provides financial assistance to districts for bilingual education programs.[17] The 1974 Equal Educational Opportunities Act,[18] enacted soon after the Lau decision, supports the principles of Lau by prohibiting States from denying equal educational opportunities by "the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs."[19]

In 1977 New Hampshire enacted legislation to prohibit discrimination and permit bilingual education. The anti-discrimination provision states:

> The State Board, through the Commissioner of Education acting as the executive officer of the Board shall ensure that there shall be no unlawful discrimination in any public school against any person on the basis of sex, race, creed, color, marital status or national origin in educational programs, and that there shall be no denial to any person on the basis of sex, race, creed, marital status or national origin of the benefits of educational programs or activities.[20]

The provision pertaining to bilingual education, which became effective July 30, 1977, states:

> In the instruction of children in schools, including private schools, in reading, writing, spelling, arithmetic, grammar, geography, physiology, history, civil government, music, and drawing, the English language shall be used exclusively, both for the purposes of instruction therein and for the purposes of general administration. Educational programs in the field of bilingual education shall be permitted under the provisions of this section with the approval of the state board of education and the local school district.[21]

As the Supreme Court of the United States observed in the *Lau* decision, children who are unable to understand English and who are placed in a classroom "are certain to find their classroom experience wholly incomprehensible and in no way meaningful."[22] Federal and State laws and regulations have been promulgated to ensure that language-minority students have equal access to education.

The education of language minorities has been an issue of great concern to the New Hampshire Advisory Committee to the U.S. Commission on Civil Rights. The Commission and its Advisory Committees were created to study the denial of equal protection of the laws, including the denial of equal educational opportunity. If allegations are brought to the Advisory Committee that those laws and regulations are not being complied with or adequately enforced, the Advisory Committee will make every effort to study the matter and to make known the results of its study and its recommendations for corrective action.

The New Hampshire Advisory Committee, as a result of this study, concludes with OCR that language-minority children were denied equal educational opportunity by the Manchester School Department, but disagrees with OCR that the compliance plan that was developed was appropriate to correct the situation, using the *Lau* Remedies. This report will show that in a number of aspects, the Manchester plan was not in conformity with the *Lau* Remedies but nevertheless was approved by OCR, and that OCR's enforcement and monitoring of the Manchester plan have been lacking.

Notes

1. Sylvia F. Chaplain, Chair, New Hampshire Advisory Committee to the U.S. Commission on Civil Rights, letter to John G. Bynoe, Region I Director, Office for Civil Rights, U.S. Department of Health, Education, and Welfare, July 15, 1976.

2. 42 U.S.C. Secs. 2000d-2000d-6 (1976 and Supp. II 1978).

3. John G. Bynoe, Region I Director, Office for Civil Rights, U.S. Department of Health, Education, and Welfare, letter to Henry J. McLaughlin, Superintendent, Manchester Public Schools, December 30, 1977.

4. *Ibid*.

5. For example, Active Hispanic Association (AHA), report submitted to the New Hampshire Advisory Committee to the U.S. Commission on Civil Rights, September 1979.

6. Drs. Patricia M. Arredondo-Dowd and Maria Lombardo, Cultural Language Assessment Research Associates.

7. 42 U.S.C. Secs. 2000d-2000d6 (1976 and Supp. II 1978).

8. J. Stanley Pottinger, Director, Office for Civil Rights, U.S. Department of Health, Education, and Welfare, Memorandum to School Districts with More Than Five Percent National Origin-Minority Group Children, "Identification of Discrimination and Denial of Services on the Basis of National Origin," May 25, 1970; 35 Fed. Reg. 11595 (1970).

9. *Lau v. Nichols*, 414 U.S. 563 (1974).

10. U.S. Department of Health, Education, and Welfare, "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under *Lau v. Nichols*" (1975) (hereafter cited as *Lau* Remedies). The text of the *Lau* Remedies appears in Chapter 4.

11. *Lau* Remedies, p. 4.

12. *Ibid*., p. 6.

13. *Ibid*., p. 7.

14. With the establishment of the U.S. Department of Education in 1980, the Department of Health, Education, and Welfare ceased to exist. HEW's functions were transferred to the new Department of Education and to the Department of Health and Human Services. HEW's OCR was likewise split, part becoming the Office for Civil Rights for the Department of Education and part becoming the Office of Civil Rights for the Department of Health and Human Services.

15. See appendix.

16. *Washington Post*, April 24, 1982.

17. Title VII of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C.A. Secs. 3221-3261 (Supp. 1981).

18. 20 U.S.C. Secs. 1701-1721 (1976).

19. 20 U.S.C. Sec. 1703 (f) (1976).

20. Act of September 3, 1977, ch. 432, 1977 N.H. Laws 432 (codified at N.H. REV. STAT. ANN. S. 186:11 p. XXXIII (Supp. 1981)).

21. Act of July 30, 1977, ch. 110:1, 1977 N.H. Laws 110:1 (codified at N.H. REV. STAT. ANN. S. 189:19 (Supp. 1981)).

22. Lau v. Nichols, 414 U.S. at 566.

Chapter III

The City, The Problem, and The Plan

The City

Manchester is the industrial, financial and mercantile center of New Hampshire. Located in Hillsborough County, it is the largest city in the State. According to the 1980 U.S. Census, Manchester has a population of 90,757, an increase of 3,003 over the 1970 Census. The city is located 58 miles north of Boston, in the south central part of New Hampshire. The Manchester metropolitan area accounts for approximately 23 percent of the population of the State; approximately 58 percent of the total population of New Hampshire is within 30 miles of the city.

Manchester is governed by a mayor and a board of 12 aldermen who are responsible for the municipal budget, local taxes, ordinances, and the appointing of most city officials and commissions. The Manchester school system is governed by a 13-member school board and is chaired by the mayor.

The School System

Manchester has three comprehensive senior high schools, one vocational skill center, three junior high schools and 16 elementary schools. During the 1981-82 school year they were staffed by 440 high school, 160 junior high and 340 elementary school teachers, and 93 system-wide full time instructional staff teachers. The high school student population during this period was 7,315; the junior high school population was 1,984 and the elementary school population was 6,663. The total school population for grades K-12 was 15,962.

In 1976, staff to the Advisory Committee was told in a meeting with the superintendent and assistant superintendent that the minority student population consisted of 67 blacks, 14 Native Americans, 50 Asian and Pacific Americans (including 34 Vietnamese), 134 Spanish-surnamed and 6,852 French surnamed. A 1976 survey conducted by the Hispanic community indicated that there were approximately 169 school-age Hispanic children in Manchester.

In July 1978, the school department identified 413 limited English-speaking students within the school system requiring language testing for the purpose of educational planning:

	French	Greek	Spanish	Other	Total
Elementary	75	77	56	12	220
Junior High	40	22	11	4	77
Senior High	71	29	7	9	116
Total	186	128	74	25	413

These figures were obtained as a result of the district-wide survey by the school department using the Parent and Teacher Questionnaires that had been called for in the compliance plan (See Appendix). The questionnaires identified 842 additional students as possibly requiring testing: 376 elementary, 172 junior high and 294 high school.

The 1980 Elementary and Secondary School Civil Rights Survey, School System Summary Report (AS/CR101) indicated that the system had 55 Asian or Pacific Islanders and 184 Hispanic students out of a total of 15,306 (an increase of 5 Asians and 50 Hispanics over the 1976 figures).

The Problem

It was in October 1975 that the New Hampshire Advisory Committee first informed Assistant Superintendent of Schools Louis R. DesRuisseaux that the Committee had been told that some Spanish-speaking children were being assigned to the Maynard Elementary School which housed the classes for the mentally retarded; that there were no adequate provisions for language-minority students at the high school level; and that children were staying away from school because they were not receiving an adequate educational program.

The State Education Department and the Manchester school system were reminded by the Committee of the requirements of Title VI of the Civil Rights Act of 1964, and of the Lau v. Nichols Supreme Court decision. In addition, the Equal Educational Opportunity (EEO) office of the State Education Department informed the Manchester school administration on October 22, 1975, that special English classes for limited-English-speaking students should not be placed in the school for educably retarded children.

On July 5, 1976, staff of the Northeastern Regional Office of the U.S. Commission on Civil Rights met with Superintendent of Schools Henry S. McLaughlin, Assistant Superintendent DesRuisseaux, and School Board Vice Chairman James A. Pollack to discuss the situation. The school officials provided staff with information on the minority and foreign language student population and their teaching staff. Two English-as-a-Second Language (ESL) teachers were assigned to two classes which contained some 40 students of Greek, Vietnamese, Polish, French, and Spanish heritage. Superintendent McLaughlin indicated that, after an average of one year in the self-contained ESL class, students were assigned to regular classes and none of the children who had "graduated" from the ESL classes had returned.

Following the meeting, the Advisory Committee requested OCR to conduct a thorough compliance review of the Manchester school system to determine if it was in compliance with Title VI. On June 21, 1977, OCR formally notified Superintendent McLaughlin that the Manchester School Department was in violation of Title VI of the Civil Rights Act of 1964, because it failed to identify adequately the students' primary or home languages; lacked objective criteria for identification, assessment, and placement of students according to language needs; failed to provide an educational program which met the needs of the children; failed to evaluate adequately the progress of the children; lacked objective criteria to determine when students should return to mainstream classes; and had isolated the children, both as to program and location, without educational justification. (See Appendix C).

OCR also cited a lack of evidence for language identification and assessment as well as inappropriate programs to meet the needs of limited- or non-English-speaking children. The ESL program was seen as limited to English-language instruction only and did not provide the students with instruction in cognitive areas.

The Plan

In order for the school department to be in compliance with Title VI, OCR ordered that by July 22, 1977, it submit a plan to correct the violations. (The plan is discussed in detail in chapter IV.) According to OCR, the plan was to state "specifically delineated steps describing the actions to be taken and a timetable for its implementation," and include:

> identification and assessment of the student's primary or home language, including adequate means of cross-validation of languages identified; language proficiency assessment in all languages identified; development of educational programs to meet the identified language needs of the students, including the provision of opportunities to integrate with mainstream children; development and institution of

methods to assess student progress; establishment of objective criteria for the mainstreaming of children; and identification and possible recruitment of personnel with language capabilities other than English to assist in the total educational program for limited- or non-English-speaking students.

OCR offered technical assistance to the school department as did the New Hampshire Advisory Committee for Equal Educational Opportunities.

Rather than contest the findings of OCR's compliance review, the school department voluntarily drew up a compliance plan to meet the deficiencies cited by OCR, with the assistance of the Northeastern Dissemination and Assessment Center at Columbia University. The plan was submitted to OCR October 6, 1977. The plan was revised on December 27, 1977, and accepted by OCR on December 30. (See Appendix D).

At a special meeting of the school board, Superintendent McLaughlin explained that the approved plan formalized what the system had been doing in the past with the exception of the testing for the pupils' deficiencies and for their readiness to return to regular classrooms. In the past, the system relied on faculty judgment. The plan now required the system to document decisions based on testing.

In the words of the compliance plan, it is "designed to provide instruction more effectively [for] those pupils who are not proficient in the English language" and "it is based on past experience and on new developments in the education of such students as well as on requirements of Title VI of the Civil Rights Act."

Manchester's plan contains the following sections: the identification of target population; the assessment of language proficiency; grade level determination; program placement; personnel; parent-community relationships; and evaluation.

The plan consists of six phases with varying responsibilities assigned to teachers, administrators and special committees: pupil identification survey through a teacher questionnaire and a parent questionnaire; analysis of the questionnaires and tentative sorting of pupils into Lau categories; testing to establish final Lau category lists which is accomplished by assigned testing and assessment teams; prescription of student programs, assignment of pupils and of staff and maintenance of parent and community involvement; evaluation of pupil progress; exit of pupils from special programs based on test results, and pupil followup for three years.

According to the plan, teachers will conduct the survey to identify the target population and assess pupil needs through testing and evaluation when assigned. Aside from participating in the plan, teachers will continue to function as they have in the past by referring pupils to principals for appropriate testing, evaluation, and instructional prescription, or by transferring them to special classes for students of limited-English-speaking ability.

In May 1978, a district-wide survey using the Parent and Teacher Questionnaires was undertaken. (See Appendices E and F). These questionnaires were used to identify Language Assessment Group (LAG) Pupils or those students who required language ability testing. As noted above, of the 16,689 students enrolled in the district in 1978, the questionnaire identified 413 students who required testing and 842 additional students as possibly requiring testing.

In September 1979, the Manchester-based Active Hispanic Association charged in a report to the New Hampshire Advisory Committee to the U.S. Commission on Civil Rights that Hispanic students continued to be denied equal educational opportunity, reflecting the lack of progress over the preceding three years.

In December 1980, the consultants made a site visit to

Manchester and met with Dr. Elise Tougas, the Assistant Superintendent charged with the implementation of the Title VI Compliance Plan, and with the ESL teachers, Lila Duffy and Alix Guerin. Based on these meetings, they reported that only an ESL program existed at the elementary level.

The ESL program had been in existence since 1968 and had the same teachers assigned to it. The program consisted of two self-contained classrooms with students grouped according to ages 6-10 and 11-16. During the 1980-81 academic year there were 30 students on the average, and their language backgrounds included Spanish, Portugese, Laotian, Russian and French.

The academic program consisted of English-language instruction and instruction of content areas in English. The curricula for the ESL classes were said to "reflect the mainstream curricula." The students were mainstreamed for music, art and physical education classes, recess, and lunch. The classes included children from five different language groups and each student supposedly had an individualized plan. However, when the consultants requested the individualized plans, they were not available. The groupings of the students changed according to the content areas. All instructional materials were in English.

The students were to be referred to the ESL program by the school principal upon entry into the school system or by the classroom teacher using the ESL Referral Form. For students requiring additional services, the ESL teachers referred them to the Language Proficiency Assessment Team (LAPAT) for consideration, and recommendations were then made for evaluation within the system (Title I, Special Education) or outside of the system (Children's Hospital).

LAPAT was composed of Assistant Superintendent Tougas, the ESL teachers, the Title I teacher, and the director of pupil personnel services. They met when needed to review the student profiles developed by the ESL teachers and to review followup of students exiting ESL program (this was supposed to occur for three years).

Entry and exit criteria used in the ESL program were basically an informal procedure, which consisted primarily of classroom observation over an indefinite period of time by the ESL teachers. The exit criteria were based on the results of post-test performance on the Language Assessment Battery in English and as reflected on the Language Proficiency Checklist (Hoffman-Adame). Students who left the program were tested with standardized measures and, regardless of their performance, students remained in the mainstream and were not referred back to the ESL program.

It was learned that most parents did not participate in the program. Assistant Superintendent Tougas made reference to the Latin American Center, which had contacted the school department about three years before with regard to the educational needs of Spanish-speaking students. Dr. Tougas reported that there was ongoing communication between the ESL class and the Center. However the director of the Center denied that the school department had any contact with the Center except for its initial involvement three years earlier. Dr. Tougas also said that there was an identification of resource people by language in each school and that support is also sought from church groups and other ethnic organizations.

Representatives of the Latin American Center told Commission staff in October 1982, that the plan continues to be inadequate, and that the school department has made no effort to involve the Center or Hispanic parents in the language program.

Though the compliance plan is analyzed in detail in Chapter IV, the following is a brief analysis of each section:

Identification of Target Population

Identification of a new non-English-dominant student's primary language may follow two procedures: the Pupil Registration Questionnaire (PS-4/R) is completed in each building, and parents are given the Parent Questionnaire; after these steps, the child may be referred to the ESL program and the classroom teacher may use the ESL referral form and classify the student according to Lau categories A, B, or C.

Essentially an informal procedure was followed in which a cross-validation process did not occur, nor was there evidence of language-dominance testing. The plan states that the student will be referred to LAPAT. However, this did not happen upon entry.

Assessment of Language Proficiency

There was no evidence of formalized assessment of language proficiency once a student enters the ESL program. According to the ESL teachers, each student has an individualized needs profile or educational plan. However, no completed profiles or educational plans were presented when requested by the consultants during their visit in December 1980. The ESL teachers also said that each student is observed in the classroom setting for an indefinite period of time as a means of informal assessment. This enables grouping for particular content areas in the ESL classroom. The language proficiency tests which were originally used were still available but were not systematically used. The ESL teachers expressed dissatisfaction with the LAB, Ruel and the Greek Test. They suggested that the Hoffman-Adame checklist may sometimes be used by a classroom teacher (for referral to the ESL Program) or by themselves. The exit criteria was based on the results of post-test performance on the Language Assessment Battery in English and as reflected on the Language Proficiency Checklist (Hoffman-Adame). Again, there was no evidence that this took place.

Grade Level Determination

There was no achievement testing within the ESL program, and grade level determination was based on teacher observation and informal procedures. According to the ESL teachers, students participated in district-wide achievement testing once they exited the program.

Program Placement

According to the plan, the LAPAT "will develop student need profiles from the compilation of test scores" and process them "so as to avoid delay in appropriate placements." The LAPAT minutes accounted for the review of students with language-related concerns, special needs, assessment and placement. In the case of the latter, all seemed to be "in process" and there were no hard data, i.e., test scores, to substantiate the reports made at LAPAT meetings. The quarterly report filed January 16, 1980, with OCR included LAPAT minutes for the October 2 and November 27, 1979, meetings. The minutes raise many questions about the placement of the children mentioned.

Personnel

There were only two ESL teachers assisted by two aides assigned to the program district-wide. In 1979, a Greek-speaking aide was assigned to a kindergarten class with a number of Greek-dominant children. Although there were more Spanish-speaking children of kindergarten age, there were no such language-specific aides. Bilingual personnel in the system have been identified by language in each school and support was also sought from church groups and other ethnic organizations. There was no evidence of staff training to better understand the ESL program or of multicultural awareness -- even in the ESL classrooms.

Parent-Community-School Relations

As indicated before, most parents do not participate in the program and there is little or no ongoing communication between the ESL program and the Hispanic community.

Evaluation

There was no evidence that the progress of students in the ESL program was systematically evaluated and documented. According to the ESL teachers, students who left the program met with success in the mainstream class. Again, there was no available evidence to substantiate their claim, despite the fact they were supposed to provide three years of followup as indicated in the plan.

Chapter IV

Monitoring the Plan

The Manchester School Department's Compliance Plan was approved by OCR without timetables for completing the tasks. The School Department notified OCR on April 4, 1978, that target dates for testing Lau classifications were set but never indicated when they would have all the elements of the plan operational.

In July 1981, staff of the New England Regional Office of the U.S. Commission on Civil Rights met with OCR's Lau coordinator to discuss the Manchester Compliance Plan and OCR's monitoring of it. It was learned that the Manchester School Department submitted quarterly reports during the reporting period of December 1977 to July 1981. During this period OCR informed the department on only one occasion that it was delinquent in its reporting (May 21, 1981). The quality and substance of the reports were never questioned by OCR nor were any phases of the implementation plan ever audited. OCR had not conducted an on-site review of the school department's implementation of the plan.

The following is a chronology of Manchester's quarterly report submissions:

The School Department submitted its first quarterly report April 4, 1978, and established an informal target date of June 1, 1978, for completion of the preliminary Lau classifications listings and June 30 for the final determination of Lau category assignments.

On April 18, 1978, OCR acknowledged receipt of the January-March quarterly report on the implementation of the plan and indicated that OCR would be in touch with the department.

The second quarterly report, submitted on June 27, 1978, informed OCR that the department would not be able to meet its June 30 goal for final determination of Lau group classifications, because two shipments of tests from Montreal were "lost in U.S. Customs red tape." The report also indicated that three changes were made from the procedure outlined in the compliance plan. They were made without consultation with OCR. The changes were as follows:

1. The index score value given to Lau Categories A through E in the plan was typed in inverted order resulting in monolingual English being classified as Lau Category A. The index values were reversed for actual assessment.

2. Assessment of survey results was to be done by bilingual teachers. This was a provision originally included in an early draft of the plan. It is not required under the plan as approved, since assessment is a purely arithmetical function based on index values assigned.

3. The Spanish version of the Houghton Mifflin Language Assessment Test was replaced by the Crane Language Dominance Test on the basis of a recommendation by the Columbia University Lau consultants and local judgment following attendance at a workshop conducted by the author of the Crane Language Dominance Test.

OCR did not acknowledge receipt of the second report, approve or disapprove the plan modifications or comment on the department's failure to meet the goals established in the first report.

The third quarterly report was submitted on October 10, 1978. It indicated that the pupil identification survey, analysis of the questionnaires, assessment of the test results, and establishment of the individual school Language Assessment Proficiency Team (LAPAT) groups had not been completed. The report also indicated that in

September the superintendent would meet with OCR to review the status of the compliance plan and project any needed changes.

Again, OCR did not acknowledge, comment or respond with regard to the progress of the compliance plan.

The fourth report, submitted January 23, 1979, does not mention a meeting with OCR nor do OCR files indicate that such a meeting took place. The report does mention that the LAPAT group held its first meeting on October 31, 1978 to study the results of the Title VI testing program and that individual student profiles were being prepared for all those youngsters whose results indicated a language problem. A memorandum was sent to eight schools indicating that additional testing for language proficiency would have to be administered in order to comply with the next phase of the compliance plan.

Additional quarterly reports were submitted May 22, 1979, September 6, 1979, October 22, 1979, and January 16, 1980. They included minutes of the LAPAT meetings and memoranda to the school board from the superintendent on implementation of the compliance plan. There appear to be no comments from OCR during this period as well.

The quarterly report dated April 30, 1980, consists of the agenda and minutes of three LAPAT meetings held on January 9, February 12, and March 25, 1980. The report does not indicate whether the issues raised in the previous quarterly reports, such as the determination of Lau categories and the development of individual student profiles, were addressed.

On June 16, 1980, OCR contacted Superintendent McLaughlin to inform him of a new format for reporting implementation of the compliance plan. OCR also directed the school department to submit its end-of-year report by July 21, 1980, and quarterly thereafter.

In September, 1980, Assistant Superintendent Tougas received a new form (Cumulative Enrollment of Limited-English-Speaking Students) to be used in lieu of the quarterly reports. She reported dissatisfaction with this new form and designed another one: Students with Primary Home Language Other Than English--Title VI. (See Appendix H). No explanation was given by the Office for Civil Rights for the change.

On May 21, 1981, OCR wrote the superintendent that it will continue to use the *Lau* Remedies as its evaluation guide, and stated:

> We therefore expect that all plans approved by our office will be implemented as agreed. The implementation of these plans also include reporting to this office on a quarterly basis, the progress of implementation. We have not received a report since July 1980. We request that you submit to us by June 1, 1981 and quarterly thereafter your progress in the implementation of your plan. (See Appendix K)

On July 30, 1982, OCR notified Superintendent McLaughlin of its monitoring review of the Manchester School Department's implementation of the *Lau* compliance plan. (See Appendix N) There had been no previous on-site monitoring review.

OCR indicated that it found that the school department was implementing its plan and was in compliance with Title VI, but it identified the following areas of concern:

--Assessing language dominance and English academic achievement were not being achieved due to a lack of acceptable testing instruments.

--No procedures exist to notify foreign language parents who speak other than Spanish or French.

--There is a lack of coordination between elementary and high school teachers regarding services to the non- and limited-English-speaking students, and procedures for assessing and placing high school students are not consistently followed.

--There is no evidence of monitoring English achievement.

--There is no evidence in students' files of the results of home and classroom surveys, date of placement in classes, or parental notification. There was evidence of inadequately prepared students placed in the regular program.

OCR therefore recommended:

--Suitable testing instruments be sought for language dominance and achievement.

--A procedure for effectively notifying all parents be developed.

--Develop procedures by which all teachers in the bilingual/ESL program are informed of the elements of the plan and work together.

--Develop a procedure to assess students for academic achievement, coordinated with the department's regular testing program.

--Develop a procedure to ensure that the students' files contain all necessary information and are updated regularly.

OCR stated that it was closing the monitoring review, but requested that quarterly reports on the plan's implementation continue to be submitted.

Since the acceptance of the plan in December 1977, there appears to have been no direct guidance or assistance from OCR to the Manchester School Department with the exception of the monitoring review discussed in the July 30, 1982, letter from OCR Regional Director Richard V. E. McCann. Dr. Tougas told the consultants that no feedback, either written or verbal, had been offered with reference to the quarterly reports, although it would have been appreciated.

Maria Montalvo, Director of OCR's Elementary and Secondary Education Division, explained that since implementation of the plan in May 1978, OCR has not worked actively with the school department primarily because of staffing problems. This was reconfirmed in OCR's comments on the draft of this report in October 1982. (See Appendix P)

A review team from the New Hampshire State Department of Education conducted on-site visits to the Manchester school system in May 1981 to assess, among other things, compliance with Title VI. It also found inconsistency in following the process of identifying the students' primary or home language, and in record-keeping; poor testing procedures for language proficiency; the absence of systematic testing procedures in subject matter areas and of exiting procedures from the program; and no systematic process for parent notification. (See Appendix M)

Chapter V

The Lau Remedies, the Compliance Plan, and an Analysis

To enable the reader to see the relationship between the Lau Remedies and the compliance plan of the Manchester School Department, and to present a section-by-section analysis of the plan, this chapter is organized in three columns.

The first column contains the text of the Lau Remedies developed by the Task Force established by HEW following the Lau v. Nichols decision in January 1974. It was published by HEW's Office for Civil Rights in the summer of 1975 as "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under Lau v. Nichols." The Lau Remedies are guidelines, not regulations. They have been used by school authorities, including Manchester, as an outline for developing appropriate programs for providing equal educational opportunity to limited-English-speaking students. They require that a school district develop a formal plan when it identifies 20 or more students of the same language group with a primary or home language other than English. In situations where fewer than 20 students have been identified, the district still has an obligation to provide appropriate instruction for them.

The second column contains the text of the "Title VI Civil Rights Act Compliance Plan" developed by the Manchester School Department and accepted by HEW's Region I Office for Civil Rights. It generally follows the Lau guidelines.

The third column is an analysis of the compliance plan prepared by the consultants to the Advisory Committee. The plan was reviewed in terms of the Lau guidelines. Those parts of the plan without comment are in conformity to the guidelines.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
Section I	Section I	
Identification of Student's Primary or Home Language	Identification of the Target Population	
The first step to be included in a plan submitted by a district found to be in noncompliance with Title VI under Lau is the method by which the district will identify the students's primary or home language. A student's primary or home language, for the purpose of this report, is other than English if it meets at least one of the following descriptions:	1.0 Goal: To identify and assess the language dominance of students whose primary home language is other than English.	1.0 The procedure for determining the language most often spoken in the student's home, or the language most often spoken by the student in the home was through the use of the Parent Questionnaire sent to the home. However the Parent Questionnaire does not take into account languages other than that of the child which may be spoken in the home. It is possible that adults in the home communicate in a language other than the child's language. Further, the Plan does not take into account the degrees of language usage, i.e. whether the student speaks English only, speaks English and another language, or speaks only a language other than English.
	1.1. Objective: To survey all classes to identify the members of the student population whose primary home language is one other than English.	1.1 The plan should have another objective: the development of instrumentation.

Tasks

A. The student's first acquired language is other than English.

B. The language most often spoken by the student is other than English.

C. The language most often spoken in the student's home is other than English, regardless of the language spoken by the student.

These assessments (A-C, above) must be made by persons who can speak and understand the necessary language(s).

Then the district must assess the degree of linguistic function or ability of the student(s) so as to place the student(s) in one of the following language categories:

1.1.1 All families will be sent a questionnaire requesting respondents to identify their primary language.

1.1.2 All teachers will be provided with a questionnaire to assess whether or not they have observed their students speaking a language other than English.

1.1.1 In the compliance plan teacher questionnaire there is no direct mention of the linguistic backgrounds of personnel who are to "observe" the students's language usage.Vietnamese and other language minority groups were not included, nor is there a description of how this information will be accessed.

1.1.2 In determining the language spoken by the student in the social setting (observation), the Compliance Plan Teacher Questionnaire (see Appendix) was used by classroom teachers. In the Teacher Questionnaire, the only specification is "Have you observed this pupil speaking a language other than English? Respond Yes or No." The statement, "Respond Yes or No," does not take into account the frequency of language usage.

These procedures, not the objectives, will contribute to the identification of the target population. If they are to be followed, they require further articulation along the following lines:

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
A) Monolingual speaker of a language other than English (speaks another language exclusively).	1.1.3 The forms will be prepared and distributed by the Central Office to each homeroom teacher.	1.1.3 Responsible personnel in the Central Office should be named. The distribution process (methods of disseminating and collecting information and timeliness) from the Central Office and the homeroom teacher to the home should be spelled out. The form of orientation for the personnel involved (to explain to homeroom teachers the rationale for Lau) should be indicated. There should be time lines for each task.
B) Predominantly speaks another language (speaks primarily the other language but speaks some English).	1.1.4. The parent questionnaire will be written in Spanish, French, Greek and English.	
C) Bilingual (speaks both another language and English with equal ease).		
D) Predominantly speaks English (speaks mostly English, but also speaks the other language).	1.1.5 Where parent responses indicate the need for languages other than the above, appropriate measures will be taken to have those parents informed in the languages requested.	
E) Monolingual speaker of English (speaks English exclusively).		
	1.1.6. Principals will fill out the standard PS-4/R Registration form for new arrivals indicating language spoken in the home.	1.1.6 The purpose of this form is not clear. The identification process should be consistent with the Parent Questionnaire. The questionnaire should go out after the teacher observation, so that the administration can be assured that the teacher is not influenced by the parent questionnaire.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
In the event that the student is multilingual (is functional in more than two languages in addition to English), such assessment must be made in all the necessary languages.	1.2 Objective: To determine language dominance by cross-validating the classroom and parent surveys.	1.2 The objective should also be to determine the primary or home language of the student by cross-validating the classroom and parent survey and the language dominance of the student.
In order to make the aforementioned assessments the district must, at a minimum, determine the language most often spoken in the student's home, regardless of the language spoken by the student, the language most often spoken by the student in the home and the language spoken by the student in the social setting (by observation).	Tasks 1.2.1 Bilingual teachers will cross-validate responses by sorting responses on an agree/disagree basis.	1.2.1 The plan does not specify what procedure is to be followed in the event that the Parent and Teacher Questionnaires do not cross-validate. If "bilingual teachers" are to cross-validate responses, then it is expected that they be identified staff members. If ESL teachers are to carry out this task, it should be stated. The meaning of the "agree/disagree" basis is unclear for two reasons: 1. Categories on the Parent and Teacher Surveys are not comparable. As a result, a cross-validation procedure is problematic, if not impossible; 2. There is no use of an agree/disagree basis on either survey. Therefore, its use for cross-validation purposes is inappropriate.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
These assessments must be made by persons who can speak and understand the necessary language(s). An example of the latter would be to determine by observation, the language used by the student to communicate with peers between classes or in informal situations. These assessments must cross-validate one another (Example: student speaks Spanish at home and Spanish with classmates at lunch). Observers must estimate the frequency of use of each language spoken by the student in these situations.	1.2.2 If any response on either the classroom or home survey indicates a language other than English, the student will be referred to the Language Proficiency Assessment Team (LAPAT) (See Section II) for preliminary (probable) determination of language dominance.	1.2.2 If determination of language dominance is the first step, referring to language proficiency under the LAPAT discussion in Section II at this point is confusing. The terms "preliminary" and "probable" are not interchangeable. LAPAT members must be identified in terms of their language assessment qualifications.
	1.2.3 Classification will be determined by the LAPAT Group according to the Lau guidelines as follows: A. Monolingual Non-English B. Dominant Non-English C. Bilingual D. Dominant English E. Monolingual English	1.2.3 There are no equivalent criteria for categorization using the Parent and Teacher surveys. Classification is impossible. According to Lau, the district must assess the degree of language function or ability. There is no determination of degree through the parent and teacher questionnaires; thus this classification is not possible.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
In the event that the language determinations conflict (example: student speaks Spanish at home, but English with classmates at lunch), an additional method must be employed by the district to make such a determination (for example, the district may wish to employ a test of language dominance as a third criterion). In other words, two of the three criteria will cross-validate or the majority of criteria will cross-validate (yield the same language).	1.2.4 The LAPAT team will use the following format for determination of probable language dominance: a. A response of English on any question of the survey will be coded as 5. b. Any response other than English will be coded 1. c. A numerical average will be applied to the Lau categories and arrived at by using the four questions on the home survey and the response in Column 2 of the Teacher Questionnaire. The average will be applied as follows: 5 = A; 4 = B; 3 = C; 2 = D; 1 = E.	1.2.4 The Teacher Survey elicits a yes or no response. It is unclear as to which survey they are referring. A numerical translation as suggested here requires an explanation. A quantitative formula should be specified. Frequency of language usage or observations of language usage in different settings is disregarded in the process of determination of probable language dominance. Classification of the students will vary depending on the mathematical formula followed. According to the mathematical formula recommended in the Plan, it is possible that the same individual can be found to be Bilingual and Dominant English or Dominant non-English and Dominant English.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
Due to staff limitations and priorities, we will require a plan under Lau during this initial stage of investigation when the district has 20 or more students of the same language group identified as having a primary or home language other than English. However, a district does have an obligation to serve any student whose primary or home language is other than English.	1.2.5 Students classified as probable Group A, B, or C will be scheduled for language proficiency assessment according to language group so final dominance determination can be established. (This assessment will also be part of student need profiles in Section IV).	1.2.5 This determination is questionable based on the analysis of 1.2.4. Students in category D, Dominant English, must also be scheduled for language proficiency assessment, since dominance may only be verbal.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
Section II Diagnostic/ Prescriptive Approach	Assessment of Language Proficiency	
The second part of a plan must describe the diagnostic/ prescriptive measures to be used to identify the nature and extent of each student's educational needs and then prescribe an educational program utilizing the most effective teaching style to satisfy the diagnosed educational needs. The determination of which style(s) are to be used will be based on a careful review of both the cognitive and affective domains and should include an assessment of the responsiveness of students to different types of cognitive learning styles and incentive motivational styles -- e.g., competitive v. cooperative learning patterns. The diagnostic measures must include diagnoses of problems related to areas or subjects required of other students in the school program and prescriptive measures must serve to bring the linguistically/culturally different student(s) to the educational performance level that is expected by the Local Education Agency (LEA) and state of nonminority students.	2.0 Goal: To determine the language proficiency of students identified as Monolingual Non-English, Predominant Non-English or Bilingual.	2.0 The goal excludes the student categorized as Dominant English (see Section I). The predominant English speaker has to be tested for proficiency in both languages. If performance is one or more standard deviations below the district norm, the student must be placed in a monolingual English program with remedial assistance provided. According to Lau, "Underachievement is defined as performance in each subject area (e.g. reading, problem solving) at one or more standard deviations below district norms." (Emphasis added)
	2.1 Objective: To establish a language proficiency team (LAPAT) which will determine instructional needs and placement.	2.1 The establishment of the LAPAT is necessary to effect the plan. This objective would be better placed in Section V Personnel.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
A program designed for students of limited English-speaking ability must not be operated in a manner so as to solely satisfy a set of objectives divorced or isolated from those educational objectives established for students in the regular school program.	Tasks 2.1.1. The Director of Pupil Personnel Services will establish and maintain the LAPAT group. The group will be made up of the school principal, the classroom teacher, a bilingual teacher, a school psychologist, and other support personnel as needed, including parents, aides or volunteers bilingual in the dominant language.	2.1.1 The task describes the composition of LAPAT. The first sentence implies that only one team will be organized for the entire school system. Sentence two implies one team to be organized per school. It is unclear as to how many LAPATs there are to be. The visit by the consultants in December 1980 with Assistant Superintendent Tougas revealed: 1. The system has a listing of teachers who are bilingual. They do not work in that capacity, however. (Designating them as bilingual teachers does suggest that they work as such and is therefore misleading.) 2. Manchester has not had a school psychologist since 1978. 3. There is no documentation of the involvement of parents, aides or bilingual volunteers. All testing was done by the two ESL teachers.
	2.2. Objective: To assess students in the Lau categories A, B, and C for oral and written language proficiency.	

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
	Tasks	
	2.2.1 Students will be tested in both English and their dominant language.	2.2.1 Students in Lau category A are Monolingual Non-English. Therefore, testing them in English is not logical. The same would likely hold true for category B, Dominant Non-English. Students requiring language dominance testing are those in Lau categories C and D. These students probably have marginal ability in English and another language, and for this reason their degree of dominance must be assessed.
	2.2.2 Each student will be given the Language Assessment Battery (Houghton-Mifflin).	2.2.2 The Language Assessment Battery (LAB) (Houghton-Mifflin) is the test to be used to determine oral and written language, although presumably, it is in English. The two test administrators are not familiar with all the specified languages so it cannot be assumed that they can administer the tests. Therefore the test would be inappropriate for assessment of dominance. The LAB is not one of the tests recommended by the National Origin Assessment and Dissemination Center. In a review of tests for use with limited speakers of English, the LAB was designated as lacking in applicability for older children.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
	2.2.3 An appropriate test in the dominant language will be administered to each student.	2.2.3 The Ruel is a reading test. Proficiency in the four skill areas -- speaking, comprehension, reading and writing -- cannot be determined with the use of a reading test alone.
	a) French: Ruel's Reading Test: "Epreuve de Performance Fonctionnelle en Lecture", McGraw-Hill-Ryerson, Ltd., and the Language Proficiency Checklist (Hoffman-Adame) given to strengthen the Ruel measure.	
	b) Spanish: Spanish version of Language Assessment Battery and the Hoffman-Adame Language Proficiency Checklist.	b) The Spanish LAB was administered to all Hispanic students. Norms were obtained for primarily a Puerto Rican population in New York City. According to Pletcher, "Item content in the reading section was inappropriate for students in grades K-2 because many items required abstract reasoning as well as reading ability...The speaking section did not adequately test speaking since it only required the child to produce a one word response..."

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
	c) Greek: Assessment Instrument from the Greek Archdiocese of New York, Department of Education and the Hoffman-Adame Language Proficiency Checklist.	c) The Greek Assessment Instrument was secured from the Archdiocese in New York. There is no further information available about its use to assess language dominance. It is not included in testing guides for bilingual assessment nor is it known to the National Assessment Center in Cambridge, Massachusetts. There are no recommendations for language tests for other language groups.
	d) Languages other than the above: Appropriate commercial or educational agency tests obtained when such tests are available.	
	e) For languages in which no test is available: the Hoffman-Adame Language Proficiency Checklist.	e) The Hoffman-Adame checklist is used repeatedly. By definition, a checklist would require observation by a bilingual teacher or other specialist. It is highly subjective and does not define degrees of proficiency. For those using it, orientation and guidelines should be provided.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
	2.2.4 A bilingual member of members of the LAPAT group will administer, score and interpret the test results and report to the LAPAT group.	2.2.4 The language of the bilingual LAPAT member is not specified. It is not clear whether scores will be interpreted for language dominance or proficiency. The expertise or the qualification of LAPAT members in the area of assessment is not established.
	2.2.5 On the basis of the test results, the LAPAT group will revise the lists of probable dominance, drawn up in accordance with Section 1.2.5. This revision will establish the final determination of a student's classification as a Lau A, B, or C student.	2.2.5 There is further confusion because of the reference to revision of "lists of probable dominance".

Section III

Educational Program Selection

In the third step the district must implement the appropriate type(s) of educational program(s) listed in this section (III, 1-5), depending on the degree of language proficiency of the students in question. If none seems applicable one should check with the Lau coordinator for further action.

1. In the case of the monolingual speaker of a language other than English.

A. At the Elementary and Intermediate Levels: any one or combination of the following programs is acceptable.

1) Transitional Bilingual Education Program (TBE);
2) Bilingual/Bicultural Program;
3) Multilingual/Multicultural Program.

Grade Level Determination

3.0 Goal: To identify the students in Lau categories A, B, and C who are achieving at grade level district-wide norms.

3.1. Objective: To determine achievement level of each student.

Tasks

3.1.1 District norms will be defined as:

a) The district mean for Grades 1, 2 and 3 on the Gates MacGinnitie Reading Survey.

b) The district mean for Grades 4-8 on the Stanford Achievement Tests.

Grade Level Determination

3.0 There is no point in testing Lau Category A and B children; they are non-English speaking and would be penalized by such testing.

The children that should be tested are in Lau categories C and D.

If all children are tested, the instruments should of necessity be language specific.

3.1 The determination of the achievement level of each student in categories A, B, and C is proposed with instrumentation that has not been appropriately normed for these populations. Generalization in terms of such norms is unsound.

The Stanford Achievement Test and the Gates-MacGinnitie Reading Tests were not originally developed, adapted or debiased "for use with students whose first language is Chinese, French, Italian, Navajo, Portuguese, Spanish, Tagolog," according to Pletcher.

In the case of a TBE, the district must provide predictive data which show that such student(s) are ready to make the transition into English and will succeed scholastically in content areas and in the educational program(s) in which they are to be placed. This is necessary so the district will not prematurely place the linguistically/culturally different student, who is not ready to participate effectively in an English language curriculum, in the regular school program (conducted exclusively in English).

Because an ESL program does not consider the affective nor cognitive development of students in this category and time and maturation variables are different here than for students at the secondary level, an ESL program is not appropriate.

B. At the Secondary Level:

Option 1 -- Such students may receive instruction in subject matter (example: math, science) in the native language(s) and receive English-as-a-Second Language (ESL) as a class component.

c) The national norms from the Stanford Achievement Test Manual for Grades 9-12.

3.1.2 Individual student scores on tests in (a) and (b) above will be matched to the district norm.

3.1.3 For those students in Grades 1-8 for whom there are no individual scores the appropriate test will be given.

3.1.4. Since there is no Stanford Achievement testing at Grades 9-12 across the district, individual tests will be given to obtain scores to match against the national norms.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
Option 2 -- Such students may receive required and elective subject matter (examples: math, science, industrial arts) in the native language(s) and bridge into English while combining English with the native language as appropriate (learning English as a first language, in a natural setting).	3.1.5 The scores and norm comparisons will be used in compilation of the individual student need profile. (See Section 4.1.1).	There is no evidence of what individual tests were given in lieu of the Stanford Achievement Test. Examples of the individual student profiles should be in the Plan.
Option 3 -- Such students may receive ESL or High Intensive Language Training (HILT), in English until they are fully functional in English then bridge into the regular school program for all other students.	3.1.6 A student will be determined to be achieving at grade level on the basis of district norms.	District norms should be specified in the Plan. Otherwise, they are left to chance.
A district may wish to utilize a TBE, Bilingual/Bicultural or Multilingual/Multicultural program in lieu of the three options presented in this section (III. 1.B.). This is permissible. However, if the necessary prerequisite skills in the native language(s) have not been taught to these students, some form of compensatory education in the native language must be provided.		
In any case, students in this category (III. 1.B.) must receive such instruction in a manner that is expeditiously carried out so that those students in question will be		

able to participate to the greatest extent possible in the regular school program as soon as possible. At no time can a program be selected in this category (III. 1.B.) to place the student in situations where the method of instruction will result in a substantial delay in providing these students with the necessary English language skills needed by or required of other students at the time of graduation.

NOTE: You will generally find that students in this category are recent immigrants.

2. In the case of the predominate speaker of the language other than English (speaks mostly the language other than English, but speaks some English):

A. At the Elementary Level:
Any one or combination of the following programs is acceptable.
1. TBE
2. Bilingual/Bicultural Program
3. Multilingual/Multi-cultural Program

In the case of a TBE, the district must provide predictive data which show that such student(s) are ready to make the transition into English and will educationally succeed in content areas and the educational program in which he/she is to be placed.

Since an ESL program does not consider the affective nor cognitive development of the students in this category and the time and maturation variables are different here than for students at the secondary level, an ESL program is not appropriate.

B. At the Intermediate and High School Levels:

The district must provide data relative to the student's academic achievement and identify those students who have been in the school system for less than a year. If the student(s) who have been in the school system for less than a year are achieving at grade level or better, the district is not required to provide additional educational programs. If, however, the students who have been in the school system for a year or more are underachieving (not achieving at grade level), the district must submit a plan to remedy the situation. This may include smaller class size, enrichment materials, etc. In either this case or the case of students who are underachieving and have been in the school system for less than a year, the remedy must include any one or combination of the following: 1) an ESL, 2) a TBE, 3) a Bilingual/Bicultural Program, 4) a Multilingual/Multicultural Program. But such students may not be placed in situations where all instruction is conducted in the native language as may be prescribed for the monolingual speaker of a language other than English, if the necessary prerequisite skills in the native language have not been taught. In this case some form of compensatory education in the native language must be provided.

NOTE: You will generally find that students in this category are not recent immigrants.

3. In the case of the bilingual speaker (speaks both the language other than English and English with equal ease) the district must provide data relative to the student(s) academic achievement.

In this case the treatment is the same at the elementary, intermediate and secondary levels and differs only in terms of underachievers and those students achieving at grade level or better.

A. For the students in this category who are underachieving, treatment corresponds to the regular program requirements for all racially/ethnically identifiable classes or tracks composed of students who are underachieving, regardless of their language background.

B. For the students in this category who are achieving at grade level or better, the district is not required to provide additional educational programs.

4. In the case of the predominant speaker of English (speaks mostly English, but some of a language other than English) treatment for these students is the same as III, 3 above.

5. In the case of the monolingual speaker of English (speaks English exclusively) treat the same as III, 3 above.

NOTE: ESL is a necessary component of all the aforementioned programs. However, an ESL program may not be sufficient as the only program operated by a district to respond to the educational needs of all the types of students described in this document.

LAU REMEDIES

Section IV

Required and Elective Courses

In the fourth step of such a plan the district must show that the required and elective courses are not designed to have a discriminatory effect.

A. Required courses. Required courses (example: American History) must not be designed to exclude pertinent minority developments which have contributed to or influenced such subjects.

B. Elective Courses and Co-curricular Activities. Where a district has been found out of compliance and operates racially/ethnically identifiable elective courses or co-curricular activities, the plan must address this area by either educationally justifying the racial/ethnic identifiability of these courses or activities, eliminating them, or guaranteeing that these courses or co-curricular activities will not remain racially/ethnically identifiable.

MANCHESTER PLAN

Program Placement

4.0 Goal: To determine proper placement for the Lau categories A, B and C students.

4.1 Objective: To establish individual profiles of pupil needs from test results based on the language proficiency and achievement test scores.

Tasks

4.1.1 The LAPAT group will develop student need profiles from the compilation of test scores.

ANALYSIS OF PLAN

4.0 A category D child performing one standard deviation below the norm should be provided remedial help.

The proper placement of an A or B child is in a bilingual program. (An achievement test in their native language will demonstrate if they are functioning on grade level in their native language, but they are already placed.)

4.1 There is no example of a student profile and what it will include.

(There is no evidence in the quarterly reports nor from visits to the Manchester district that tests are administered.)

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
There is a _prima facie_ case of discrimination if courses are racially/ethnically identifiable. Schools must develop strong incentives and encouragement for minority students to enroll in electives in which minorities have not traditionally enrolled. In this regard, counselors, principals and teachers have a most important role. Title VI compliance questions are raised by an analysis of counseling practices which indicates that minorities are being advised in a manner which results in their being disproportionately channeled into certain subject areas or courses. The school district must see that all of its students are encouraged to fully participate and take advantage of all educational benefits.	4.1.2 Where the profiles identify 20 or more students with the same dominant language, at the same grade level, across the district, placement will be made in accordance with Sections 4.2.1 or 4.2.2 below.	4.1.2 This is incorrect.
	4.1.3 Where the profiles identify fewer than 20 students with the same dominant language at the same grade level, across the district, an Instructional program will be established in accordance with Section 4.2.4 below.	4.1.3 A plan under Lau is required when the district has 20 or more students of the same language group identified as having a primary or home language other than English. Additionally, "...a district does have an obligation to serve any student whose primary or home language is other than English," according to Lau. While 4.1.3 proposes to offer an instructional program, the intent must address a non-English language group district-wide, not according to grade level.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
Close monitoring is necessary to evaluate to what degree minorities are in essence being discouraged from taking certain electives and encouraged to take other elective courses and insist that to eliminate discrimination and to provide equal educational opportunities, districts must take affirmative duties to see that minority students are not excluded from any elective courses and over included in others.		4.1.3 refers to 4.2.4, providing for a cluster of grades for students under 20 in number. However Lau does not regard racially/ethnically isolated and/or identifiable classes with favor. A program for students of limited English-speaking ability must not be divorced or isolated from those educational objectives established for students in the regular school program.
All newly established elective courses cannot be designed to have a discriminatory effect. This means that a district cannot, for example, initiate a course in Spanish literature designed exclusively for Spanish-speaking students so that enrollment in that subject is designed to result in the exclusion of students whose native language is English but who could equally benefit from such a course and/or be designed to result in the removal of the minority students in question from a general literature course which should be designed to be relevant for all the students served by the district.	4.1.4 Parents will be informed of the benefits of the program. However, requests from parents that their children remain in or be assigned to mainstream classes will be honored and no special services will be provided other than those available to all children in the system.	4.1.4 Parents not only have to be informed of the benefits of the program, they have to be informed of the program. This must be in the parent's native language. A parent's request that their child be put in the mainstream has to be put in writing by the parent. In other words, the school cannot have a form which the parent signs. The parents must write a letter themselves saying they do not want their child in the bilingual program.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
	4.1.5 The LAPAT group will process needs profiles as test scores are reported to it so as to avoid delay in appropriate placements.	4.1.5 Again, there is no evidence of a needs profile. (In the quarterly reports, there is no reference to the LAPAT group's use of test scores for placement purposes.)
	4.2 Objective: To assign students to classes based on completed profiles.	
	Tasks	
	4.2.1 At the elementary and intermediate levels, students will participate in a Transitional Bilingual Educational Program (TBE).	4.2.1 The Manchester School District does not have a Transitional Bilingual Program. It has an ESL Program. There is no specification of Lau category students to be placed in the program.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
	4.2.2 At the secondary level, students will participate in ESL or High Intensity Language Training (HILT) in English until they are fully functional in English (can operate successfully in school in English).	4.2.2 Entry and exit criteria for HILT should be specified. This program is only for secondary students according to Lau.
	4.2.3 Curriculum development will be coordinated with the mainstream curriculum. The curriculum will provide for English language growth as well as continuation of the content area curriculum in the dominant language.	4.2.3 There is no evidence of what this curriculum is. Minimally, it should be in the appendix of the Plan. The person responsible for this curriculum coordination should be designated. There is no provision for elective courses at the high school level.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
	4.2.4 For students under 20 in number, a cluster of grades will be formed to provide instruction.	4.2.4 There is no reference for the number 20. A cluster of grades is vague. Instruction cannot segregate students. Clustering must be age-and grade-appropriate. Otherwise, such clustering may violate Title VI regulations.

LAU REMEDIES	MANCHESTER PLAN		ANALYSIS OF PLAN
Section V	Personnel		
Instructional Personnel Requirements.			
Instructional personnel teaching the students in question must be linguistically/culturally familiar with the background of the students to be affected.	5.0	Goal: To provide appropriate staff for the instruction required and to train staff members in methods and materials to meet the needs of students.	5.0 There are no provisions in the Plan for the hiring of bilingual teachers and aides. There should be an Appendix with a list of the bilingual teachers and aides and their qualifications.
The student/teacher ratio for such programs should equal or be less than the student/teacher ratio for the district. However, we will not require corrective action by the district, if the number of students in such programs are no more than five greater per teacher than the student/teacher ratio for the district.	5.1	Objective: To provide English speaking staff members who are bilingual in French, Spanish or Greek.	(Based on the interview with Dr. Tougas, there is no evidence that these tasks are being effected.)
		Tasks	
	5.1.1	Bilingual teachers and aides will conduct the instructional program.	

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
If instructional staffing is inadequate to implement program requirements, in-service training, directly related to improving student performance is acceptable as an immediate and temporary response. Plans for providing this training must include at least the following:	5.1.2 Volunteers from the community representing the various language groups will be recruited to help in the program.	
1. Objectives of training (must be directly related to ultimately improving student performance); 2. Methods by which the objective(s) will be achieved; 3. Method for selection of teachers to receive training;	5.1.3 When bilingual supportive staff are not available, bilingual aides or volunteers will be provided. Such supportive staff will include a social worker, counselor, speech therapist and others providing pupil personnel services.	
4. Names of personnel doing the training and location of training;	5.1.4 Appropriate staff will be assigned to assist mainstreamed pupils requiring occasional assistance.	

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
5. Content of training;	5.2. Objective: To develop and implement a program of staff training so teachers will understand the program.	5.2 A description of the staff training program should be included in the Appendix.
6. Evaluation design of training and performance criteria for individuals receiving the training;		Individuals who will provide the training also should be cited.
7. Proposed timetables.	Tasks	The "how, when and where" aspects of this objective should be clearly specified.
This temporary in-service training must continue until staff performance criteria has been met.	5.2.1 Orientation will be provided to explain this plan to all district personnel including teachers, administrators and support personnel.	All the tasks in sec. 5 are a critical part of the Plan for which the district has no documentation.
Another temporary alternative is utilizing para professional persons with the necessary language(s) and cultural background(s). Specific instructional roles of such personnel must be included in the plan. Such a plan must show that this personnel will aid in teaching and not be restricted to those areas unrelated to the teaching process (checking roll, issuing tardy cards, etc.)	5.2.2 Workshops and faculty discussions will be held on the cultures of the different language groups among students.	

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
In addition, the district must include a plan for securing the number of qualified teachers necessary to fully implement the instructional program. Development and training of para professionals may be an important source for the development of bilingual/bicultural teachers.	5.3 Objective: To develop multicultural awareness throughout the system to enhance teacher resources for LAU category students upon their assignement mainstream classes. Tasks 5.3.1 Qualified staff members will serve as resources to recommend ways multicultural awareness can be incorporated in the general curriculum. 5.3.2 Teachers will use appropriate times and contexts in lessons, discussions, and social occasions to point out, display, elaborate on cultural aspects of of other peoples and other nations. 5.3.3 Parents and community leaders will be contacted to work with the staff to further multicultural awareness.	

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
Section VI		
Racial/Ethnic Isolation and/or Identifiability of Schools and Classes A. Racially/Ethnically Isolated and/or Identifiable Schools -- It is not educationally necessary nor legally permissable to create racially/ethnically identifiable schools in order to respond to student language characteristics as specified in the programs described herein.	Parent/Community Relationships 6.0 Goals: To involve parents in the educational process of their children. 6.1 Objective: To develop a process of inter-communication among district, school, classroom and parents.	This section of the Plan as written is appropriate to the Lau guidelines. However, there is no evidence that the Manchester School District is implementing these goals and objectives. Discussions with Dr. Tougas and the two ESL teachers indicated that parents are difficult to reach; that they do not take an interest in school affairs. Thus, the tasks specified, in fact, are not being done.
	6.1.1 All parents of students selected for participation will be notified. (See Sec. 4.1.4).	6.1.1 It does not specify in what students selected for participation are to participate.

LAU REMEDIES	MANCHESTER PLAN		ANALYSIS OF PLAN
B. Racially/Ethnically Isolated and/or Identifiable Classes -- The implementation of the aforementioned educational models do not justify the existence of racially/ethnically isolated or identifiable classes, per se. Since there is no conflict in this area as related to the application of the Emergency School Aid Act (ESAA) and existing Title VI regulations, standard application of those regulations is effective.	6.1.2	Parents will be notified in English, French, Spanish and Greek, or other languages that school communications are available in these languages.	6.1.2 No samples available.
	6.1.3	Designated staff persons will conduct meetings within the community to encourage parent involvement in their child's education.	6.1.3 There is no such listing and no meetings have occurred.
	6.2	Objective: To give the parents opportunities to learn ways to reinforce student learning.	6.2 Based on the visit by the consultants, there is no evidence that any of the tasks identified in 6.2.1, 6.2.2, 6.2.3, 6.2.4 and 6.2.5. have been undertaken.
		Tasks	
	6.2.1	Parents will be given information as to community resources, i.e., libraries, museums, etc.	
	6.2.2	Parents will be kept informed of the goals and policies of the school district regarding this program.	

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
Section VII (The following section is related to Sections VI of the plan)	6.2.3 People in the community will be asked to share their expertise in this program.	
Notification to Parents of Students Whose Primary or Home Lanugage is Other Than English: A. School districts have the responsibility to effectively notify the parents of the students identified as having a primary or home language other than English of all school activities or notices which are called to the attention of other parents. Such notice, in order to be adequate, must provide in English and in the necessary language(s) comprehensively paralleling the exact content in English. Be aware that a literal translation may not be sufficient.	6.2.4 Classroom teachers will be advised of techniques and materials they can encourage parents to use at home. PTA's advisory committees and other community groups will be utilized to reach parents. 6.2.5 Provision will be made to have all written communications translated and bilingual personnel will be present at meetings to insure inter-communication.	
B. The district must inform all minority and nonminority parents of all aspects of the programs designed for students of limited English-speaking ability and that these programs constitute an integral part of the total school program.		

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
Section VIII **Evaluation:** A "Product and Process" evaluation is to be submitted in the plan. This type of evaluation, in addition to stating the "product" (end result), must include "process evaluation" (periodic evaluation throughout the implementation stage). A description of the evaluation design is required. Time-lines (target for completion of steps) are an essential component. For the first three years, following the implementation of a plan, the district must submit to the OCR Regional Office at the close of 60 days after school starts, a "progress report" which will show the steps which have been completed. For those steps which have not been completed, a narrative from the district is necessary to explain why the targeted completion dates were not met. Another "progress report" is also due at the close of 30 days after the last day of the school year in question.	**Evaluation** 7.0 Goal: To evaluate and document progress of pupils in LAU categories A, B and C. 7.1 Objective: To administer and to interpret post-test scores to determine those pupils who are proficient enough in English and content area subjects to be exited to mainstream classes. Tasks	
	7.1.1 The tests given in Sections II and III will be re-administered, as the teacher determines to the student to whom they were originally given.	7.1.1 Criteria to be used by the teacher to determine who should be post-tested are not specified.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
	7.1.2 Pre and post test scores will be compared to document the degree of achievement in each category.	7.1.2 Categories to be examined relative to the degree of achievement are not specified.
	7.1.3 Pupils scoring less than one standard deviation below the district norms will be placed in mainstream classes.	7.1.3 There must be a rationale for setting the norms at less than one standard deviation.
	7.1.4 Teacher evaluation on the suitability of the students entering into the mainstream will be required and documented as part of the exit process.	7.1.4 The criteria and procedures for such an evaluation must be specified for consistency.

LAU REMEDIES	MANCHESTER PLAN	ANALYSIS OF PLAN
	7.2 Objective: To assess progress of former students in LAU categories A, B, AND C.	7.2 The assessment of former Lau students is not available. Superintendent McLaughlin did state that those who have exited are doing well and have no need to return to the ESL Program.
	7.2.1 For three years following their exit from the program, students will be evaluated by the LAPAT group in May each year through review of their performance in classroom tests and on standardized tests given them and through teacher assessment of classroom achievement.	7.2.1 & 7.2.2 There is no evidence in the quarterly reports that the LAPAT is performing these functions. The ESL teachers state that once students are mainstreamed, they do not return to ESL classes.
	7.2.2 Pupils not achieving at grade level wil be reassessed and given assistance as prescribed by the LAPAT group.	

APPENDICES

A. Stanley J. Pottinger, Director, Office for Civil Rights, U.S. Department of Health, Education, and Welfare, "Identification of Discrimination and Denial of Services on the Basis of National Origin" (memorandum to school districts with more than five percent national origin-minority group children), May 25, 1970.

B. Sylvia Chaplain, Chair, New Hampshire Advisory Committee to the U.S. Commission on Civil Rights, letter to John G. Bynoe, Region I Director, Office for Civil Rights, U.S. Department of Health, Education, and Welfare, July 15, 1976.

C. John G. Bynoe, Region I Director, Office for Civil Rights, U.S. Department of Health, Education, and Welfare, letter to Henry J. McLaughlin, Superintendent, Manchester Public Schools, June 21, 1977.

D. John G. Bynoe, Region I Director, Office for Civil Rights, U.S. Department of Health, Education, and Welfare, letter to Henry J. McLaughlin, Superintendent, Manchester Public Schools, December 30, 1977.

E. Manchester Public Schools, "Parent Questionnaire-- Title VI Civil Rights Compliance Plan."

F. Manchester Public Schools, "Compliance Plan Teacher Questionnaire, Title VI-- Civil Rights Act."

G. Manchester Public Schools, "Pupil Registration Questionnaire PS-4/R, Title VI-- Civil Rights Act."

H. Manchester Public Schools, "Students with Primary Home Language Other than English-- Title VI Student Profile."

I. Harris Doukas, Chairperson, Manchester Equal Educational Opportunity Advisory Committee, letter to Louis DesRuisseaux, Assistant Superintendent, Manchester Public Schools, January 16, 1978.

J. Maria C. Montalvo, Region I Director, Elementary and Secondary Education Division, Office for Civil Rights, U.S. Department of Health, Education, and Welfare, letter to Henry J. McLaughlin, Superintendent, Manchester Public Schools, June 16, 1980.

K. Maria C. Montalvo, Region I Director, Elementary and Secondary Education Division, Office for Civil Rights, U.S. Department of Education, letter to Henry J. McLaughlin, Superintendent, Manchester Public Schools, May 21, 1981.

L. Henry J. McLaughlin, Superintendent, Manchester Public Schools, letter to Maria C. Montalvo, Region I Director, Elementary and Secondary Education Division, Office for Civil Rights, U.S. Department of Education, May 28, 1981 (with LAPAT minutes and agendas attached).

M. Dr. Duane I. Pierce, Chief, Division of Vocational-Technical Education, New Hampshire Department of Education, letter (excerpted) to Henry J. McLaughlin, Superintendent, Manchester Public Schools, June 11, 1981.

N. Richard V. E. McCann, Region I Director, Office for Civil Rights, U.S. Department of Education, letter to Henry J. McLaughlin, Superintendent, Manchester Public Schools, July 30, 1982.

O. Henry J. McLaughlin, Superintendent, Manchester Public Schools, letter to Jacob Schlitt, Director, New England Regional Office, U.S. Commission on Civil Rights, September 30, 1982.

P. Maria C. Montalvo, Region I Director, Elementary and Secondary Education Division, Office for Civil Rights, U.S. Department of Education, letter to Jacob Schlitt, Director, New England Regional Office, U.S. Commission on Civil Rights, October 12, 1982.

APPENDIX A

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

May 25, 1970

MEMORANDUM

TO : School Districts With More Than Five Percent National Origin-Minority Group Children

FROM : J. Stanley Pottinger
Director, Office for Civil Rights

SUBJECT : Identification of Discrimination and Denial of Services on the Basis of National Origin

Title VI of the Civil Rights Act of 1964, and the Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs.

Title VI compliance reviews conducted in school districts with large Spanish-surnamed student populations by the Office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish-surnamed pupils. Similar practices which have the effect of discrimination on the basis of national origin exist in other locations with respect to disadvantaged pupils from other national origin-minority groups, for example, Chinese or Portugese.

The purpose of this memorandum is to clarify D/HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin-minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

(1) Where inability to speak and understand the English

language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program and the process for identifying need and the extent to which the need is fulfilled should be set forth.

School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

July 15, 1976

Mr. John G. Bynoe
Regional Director
Office for Civil Rights, HEW
RKO General Building
Boston, Massachusetts

Dear Mr. Bynoe:

As you may know, the New Hampshire Advisory Committee to the U.S. Commission on Civil Rights is currently involved in a study of bilingual/bicultural education in our state.

During one of our meetings, community spokespersons stated that the facility in the city of Manchester, New Hampshire for the teaching of English as a Second Language (ELS) to linguistic-minority children is housed in the same school as the facility for mentally-retarded children. Other persons alleged that these children were following an "ESL" curriculum rather than either a transitional or bilingual-bicultural curriculum.

Following these meetings, Ms. Dorothy Jones, education consultant to the Northeast Regional Office, USCCR conferred with the Superintendent of Schools and with members of the Manchester School Board. At that time she corroborated the allegations of the community spokespersons.

We understand that Title VI regulations state that the segregation of linguistic minority children who receive services by any local school department is prohibited because it prevents the meaningful participation of these children in the school system. We also understand that the Supreme Court ruling under Lau v. Nichols (414 U.S. 563) mandates that the education for linguistic minoritycchildren be both qualitatively and quantitatively equal to that of majority children. Is not the housing of children in such a segregated environment a violation of both the spirit and the letter of the Supreme Court ruling?

In view of these allegations, we request that the Office for Civil Rights, HEW, conduct a thorough compliance review of the Manchester school system.

We would be happy to discuss this matter with you at your convenience.

Sincerely yours,

Sylvia F. Chaplain
Chairperson
New Hampshire Advisory Committee

cc: Jacques E. Wilmore, Regional Director
U.S. Commission on Civil Rights

Official file (NH Bil/Bic)
Reading, OFO
ETelemaque:ao

APPENDIX C

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
REGION I
RKO GENERAL BUILDING
GOVERNMENT CENTER
BOSTON, MASSACHUSETTS 02114

OFFICE FOR CIVIL RIGHTS

21 JUN 1977

Mr. Henry J. McLaughlin
Superintendent
Manchester Public Schools
88 Lowell Street
Manchester, NH 03104

Complaint No. 01-76-0031

Dear Superintendent McLaughlin:

This is to inform you that we have reviewed the information that you have submitted to this office in conjunction with the above complaint. Based on our analysis of the information, we have determined that your district has acted or is acting in violation of Title VI of the Civil Rights Act of 1964.

The Department Regulation (45 CFR Part 80) requires in Section 80.3(b)(iv) that:

> 86.3 Discrimination Prohibited.
>
> (a) General. No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program to which this part applies . . .
>
> (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program . . .

In addition, on May 25, 1970 the Director of the Office for Civil Rights issued a memorandum on "Identification of Discrimination and Denial of Services on the Basis of National Origin" which states:

> . . .The purpose of this memorandum was to clarify HEW policy on issues concerning the responsibilities of school districts to provide equal educational opportunity to national origin minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:
>
> (1) Where inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.
>
> (2) School districts must not assign national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.
>
> (3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead end or permanent track.

> (4) School districts have the responsibility to adequately notify national origin minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English . . .

On January 21, 1974, the Supreme Court of the United States decided in the case of LAU v. Nichols that the failure of a school system to provide special assistance to students who do not speak English denies them a meaningful opportunity to participate in the public educational program and thus violates regulations and guidelines issued by the Secretary of Health, Education and Welfare pursuant to Section 601 of the Civil Rights Act of 1964. The Court, in interpreting the Title VI prohibition of discrimination based on the ground of race, color, or national origin in any program or activity receiving Federal financial assistance, held that:

> . . .there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed form any meaningful education.

Citing program guidelines issued by the Office for Civil Rights on May 25, 1970 requiring Federally funded school districts "to rectify the language deficiency and open its instructional program" to students who have "linguistic deficiencies," (35 Federal Register 11595), the Court noted that all school districts receiving Federal financial assistance have "contractually agreed to comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or purusant to the Regulations of HEW (45 CFR Part 80) which are issued pursuant to that title, and also immediately to take measures necessary to effectuate this agreement."

Our determination is based on the school district's:

1. Failure to adequately identify the students' primary or home languages.
2. Lack of objective criteria for identification, assessment, and placement.
3. Failure to provide an educational program which meets the needs of the children.

4. Failure to adequately evaluate the progress of the children.

5. Lack of objective criteria to determine when students should return to mainstream classes.

6. Isolation of children, both as to program and location, without educational justification.

We were unable to determine by what objective means the children's language skills were identified and assessed. Even if the proper identification and assessment methods had been used, it is apparent from the information provided that your district does not have the appropriate programs to meet the needs of limited or non-English speaking children. Your district provides a TESOL program (Teaching English to Speakers of Other Language) for children with no or limited English speaking abilities. This program is designed to provide instruction in the English language only and does not provide the students with instruction in cognitive areas.

In order for your district to be in compliance with Title VI, you are requested to submit a plan for the correction of the above violations. This plan must include the following:

1. Identification and assessment of student's primary or home language, including adequate means of cross-validation of languages identified.

2. Language proficiency assessment in all languages identified.

3. Development of educational programs to meet the identified language needs of the students, including the provision of opportunities to integrate with mainstream children.

4. Development and institution of methods to assess student progress.

5. Establishment of objective criteria for the mainstreaming of children.

6. Identification and possible recruitment of personnel with language capabilities other than English to assist in total educational program for limited or non-English speaking students.

Your plan should include specifically delineated steps describing the actions to be taken and a timetable for its implementation. This plan should be submitted to this office by July 22, 1977.

We have been pleased with the actions taken by your school district in our previous compliance efforts and are confident that you will take the necessary steps to meet the needs of the limited and non-English speaking students in your school system. Please feel free to call upon my staff if you should desire technical assistance.

Sincerely yours,

John G Bynoe

John G. Bynoe
Director
Office for Civil Rights
Region I

APPENDIX D

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
REGION I
140 FEDERAL STREET
BOSTON, MASSACHUSETTS 02110

OFFICE FOR CIVIL RIGHTS

December 30, 1977

Mr. Henry McLaughlin
Superintendent
Manchester Public Schools
88 Lowell Street
Manchester, New Hampshire 03104

Dear Mr. McLaughlin:

Thank you for the opportunity of working with you and your staff. Our office has been impressed with the commitment of the Manchester Board of Education to voluntarily comply with Title VI of the Civil Rights Act of 1964, as it pertains to services to national origin minority students.

We are accepting the plan submitted to our office on October 6, 1977,√ with the revisions made on December 27, 1977, as the official document to be used for correction of the violations cited in our letter of findings dated June 21, 1977.

Monitoring of the implementation of this plan will take place in the spring of 1978. Progress reports indicating the steps which have been completed must be submitted to our office beginning on April 30, 1978 and quarterly thereafter until further notice. For those steps which have not been completed, an explanation for the failure to meet the target completion date must also be reported. Copies of all language survey questionnaires sent to parents and the ones administered by teachers as well as the results of the tabulations for determining language dominance and proficiency must be kept on file and made available to the Office of Civil Rights upon request.

Sincerely yours,

John G. Bynoe

John G. Bynoe
Director
Office for Civil Rights
Region I

cc: Robert Brunelle

STUDENT:______________ ____________________ SCHOOL:_________________________

APPENDIX E
PARENT QUESTIONNAIRE

TITLE VI CIVIL RIGHTS COMPLIANCE PLAN

→ Please reply to the questions below and return this form to your child's teacher tomorrow.

→ Veuillez répondre, s'il vous plaît, aux questions ci-dessous et retournez ce formulaire demain, au professeur de votre enfant.

→ Por favor conteste las preguntas siguientes y envie este papel de regreso immediatamente al'profesor de su hijo.

→ Παρακαλῶ συμπληρώσετε τίς κάτωθι ἐρωτήσεις καί ἐπιστρέφατε τό χαρτί στόν δάσκαλον αὔριο.

Q-1	What language do you speak most often to your child? Quelle langue parlez-vous le plus souvent à votre enfant?	¿Que idioma habla usted frecuentemente con su hijo?/hija? Ποῖα, γλώσσα ὁμιλήτε περισσότερον εἰς τά παιδιά σας;
Q-2	What language does your child most often speak to you? Quelle langue votre enfant vous parle-t-il le plus souvent?	¿Que idioma habla su hijo/hija frecuentemente con usted? Ποία γλώσσα ὁμιλούν περισσότερον τά παιδιά σας σέ σᾶς;
Q-3	What language does your child most often speak with his brothers and sisters? Quelle langue votre enfant parle-t-il le plus souvent avec ses frères et soeurs?	¿Cuál es el idioma que habla su hijo/hija con sus hermanos? Ποίαν γλώσσαν τά παιδιά σας, μεταξύ των ὁμιλούν περισσότερον;
Q-4	Which language did your child first learn? Quelle langue votre enfant a-t-il premièrement apprise?	¿Cuál fue el primer idioma que su hijo/hija aprendió? Τό παιδί σας, ποία γλῶσσα ἔμαθε νά ὁμιλῆ πρῶτα;
Q-5	In which language would you prefer to receive school notices? En quelle langue préférez-vous recevoir les avis scolaires?	¿En que idioma preferiría recibir noticias escolares? Εἰς ποίαν γλώσσαν θελετι νά λαμβάνετε τό σημείωμα ἀπό τό σχολεῖον;

____
PARENT'S SIGNATURE

APPENDIX F

COMPLIANCE PLAN TEACHER QUESTIONNAIRE

TITLE VI ---- CIVIL RIGHTS ACT

SCHOOL____________________ TEACHER____________________ GRADE__________

HOMEROOM NUMBER______ NUMBER OF PUPILS ENROLLED______ DATE________________

DIRECTIONS: List all your pupils in alphabetical order and complete the information for each one as listed below.

		Check all appropriate columns			
(1) PUPILS	(2) Have you observed this pupil speaking a language other than English? Respond Yes or No	(3) In Class	(4) At Lunch	(5) At Recess	(6) Was the parent questionnaire returned?
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					

(Use reverse for additional names)

APPENDIX G

PUPIL REGISTRATION QUESTIONNAIRE PS-4/R

TITLE VI - CIVIL RIGHTS ACT

What language other than English is spoken at home?

Quelle langue autre que l'anglais est parleé chez vous?

¿Cual otro idioma aparte del Inglés hablan en su casa?

Ποίαν γλώσσαν ὁμιλήτε
περισσότερον εἰς τό
σπίτι σας ἐκτός τῆς
Ἀγγλικής;

APPENDIX H

STUDENTS WITH PRIMARY HOME LANGUAGE OTHER THAN ENGLISH—TITLE VI

STUDENT PROFILE

Student Name...............................Student Number..................

1. Grade at entrance____________________ School______________________________

2. Primary Home Language____________________

3. Home Survey Date________________________ Language Problem: YES NO

4. Classroom survey/observation date_____________________

5. Dominance Test (English)

   a. Date__________________

   b. Result________________

6. Dominance Test (Home Language)

   a. Date__________________

   b. Result________________

7. LAU Classification______________

8. Language Proficiency Assessment

   a. Primary Language_______________

      1) Date_________

      2) Result________

   b. English

      1) Date__________

      2) Result__________

9. Achievement Test—Grade __________

   a. Date ____________

   b. Result____________

10. Program Placement

    a. Date____________

    b. Program__________

APPENDIX I

MANCHESTER EQUAL EDUCATIONAL OPPORTUNITY ADVISORY COMMITTEE

Harris Doukas, Chairperson
434 Union Street
Manchester, N.H. 03103

January 16, 1978

Mr. Louis DesRuisseaux, Ass't Superintendent
Department of Public Schools
88 Lowell Street
Manchester, N.H. 03104

Dear Mr. DesRuisseaux,

At the last meeting of the Equal Educational Opportunity committee (EEO) it was unanimously voted to again raise our concerns regarding the Title VI compliance plan for the Office Civil Rights. Our fears are that given the final version of the compliance plan the initial testing of primary and home language of the families with children presently in the public school system will exclude many of the very children who are in the greatest need of a more comprehensive education, but for a variety of reason have been discouraged or excluded by the present system of education and are no longer relating to this system.

It is for these and the below listed reasons we are urging you to halt your present effort to implement the compliance plan acceted by the Office of Civil Rights and conduct a city-wide census first. As you are aware Manchester has not conducted a city-wide census in almost three years and without the benefit of this census your present effort could be interpreted as a move to subvert equal access to the education system in Manchester. For the record we are noting that you first received these concerns on December 2, 1977, when I hand delivered them to 88 Lowell Street, so that you would have the benefit of this information while developing the first revised copy of the Compliance Plan for the Office of Civil Rights.

Concerns:

1. Overview:
   General Comment-the Manchester situation described in the overview seems to imply that this situation will soon be correcting itself. This is contrary to the experience of the Latin American Center and both Greek priests.
   Specific-please document
   paragraph one:

   a) population figures
   b) "most of them third or fourth generation families......"
      This satement implies that a third or fourth generation family would speak Emglish as its primary or at least home language. This is certainly not the general case as experienced in the Hispanic, Greek or French-speaking communities.

paragraph two:

a) "Some are recent arrivals form South America, New York City/ Puerto Rico,....."

It must be noted that even if some recent arrivals are from New York City or Puerto Rico they possess a limited or no command of English.

b) "These groups are not associated with any one employer and some families are self employed in retail or food service enterprises, trades or other service business."

This sentence is of great concern to the committee. The fact of the matter is the majority of the population in question, if employed at all, is employed by textiles, tanneries or electronics shops in unskilled positions and the per cent of the total that is self employed is so small it is misleading to even have mentioned it.

paragraph three:

This paragraph completely contradicts what the Latin American Center and the Greek priests have experienced in the past few years.

paragraph four:

a) "The 10 years of such service reached a high point of 75-80 students in 1969-70, and a low point of 15 students in September 1977."

It must be noted that beyond the usual difficulties of learning a new language, especially without the benefit of support of ones native/primary language, the moving of the English as a Second Language program (ESL) from the Maynard to the Webster School is certainly a contributing factor in the present figure of 15 students. The Webster School is located too far from Where the majority of the population in question resides - the old "model cities" area in which the Maynard School is located.

1.0. Goal: To identify and assess the language dominance of students whose primary home language is other than English.

The phrase "primary home language" confuses two very important factors in the identification of other-than-English speaking students. "Primary" means first learned; "home" refers to the language most often spoken in the home. These are distinctly different issues.

1.1.4. The parent questionnaire will be written in Spanish, French, Greek and English.

The Greek and Spanish communities are very concerned that many parents do not read or write in their primary language and could not respond to this questionnaire. An alternative methodology must be identified.

1.2.2 ....to the Language Proficiency Assessment Team (LAPAT) (see section 11)......

We again raise the need to dientify biligual, bicultural teachers. In verifying this with the Latin American Center and the Greek priests, they were very firm in that using bilingual persons, who are not bicultural presents an enormous potential for misunderstanding a response by a student or parent.

2. Parent Questionnaire:

We request that more appropriate translations for the Spanish segment of this questionnaire be developed. In reviewing the versions you have used with members of the Latin American Center, they expressed concern that your versions were not as clear as they must be and that many parents could potentially misunderstand your versions.

It has been and will continue to be the intent of this committee to facilitate equal access to the educational sytem for all children. We take this opportunity to again state our desire to work as closely with the Manchester Public School System as the system will allow. We would also like to reiterate that many of the concerns expressed in this letter could have easily been addressed in the initial or subsequent draftings of the Plan, if the drafters had chosen towork with this Committee or specific community ethnic groups.

We look forward to immediate action by the School Department and as always offer full cooperation from this Committee.

Respectfully yours,

Harris Doukas, Chairperson

c.c. Mr. Henry J. McLaughlin, Superintendent

The Manchester School Board (individually)

Ms. Carolyn Chang - Office of Civil Rights

Mr. Robert L. Brunnelle, Commissioner of Education

The Manchester Equal Educational Opportunity Committee (individually)

APPENDIX J

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

June 16, 1980

cc:

Official
Reader/E&S
Reader/RRR
Green File

Lanier/OCR/ED/BP/acr/6-12-80

Mr. Henry J. McLaughlin
Superintendent
Manchester Public Schools
Administration Building
88 Lowell Street
Manchester, New Hampshire 03104

Dear Superintendent McLaughlin:

Enclosed is a suggested format to be used by your school district in reporting the progress of the implementation of your Lau Compliance Plan. This information is necessary for monitoring purposes.

The end of the school year reports should be submitted to us by July 21, 1980 and quarterly thereafter.

If you have any questions regarding these reports, feel free to contact Beverly J. Pina of my staff at (617) 223-4405.

Sincerely yours,

Maria C Montalvo

Maria C. Montalvo
Director
Elementary and Secondary
 Education Division
Office for Civil Rights

Enclosure

FILE COPY

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
E&S	BPina	6/13						

APPENDIX K

DEPARTMENT OF HEALTH AND HUMAN SERVICES

May 21, 1981

Mr. Henry J. McLaughlin
Superintendent
Manchester Public Schools
88 Lowell Street
Manchester, New Hampshire 03104

Dear Superintendent McLaughlin:

On December 30, 1977 this office accepted a Lau Compliance Plan submitted by your school district in order to provide equal education opportunities to national origin minority students.

On February 12, 1981 we informed you that while the Department of Education reviews the regulatory alternatives available, this office will continue to use the Lau Remedies as a guide to evaluate school district's plans to eliminate Title VI violations. We therefore expect that all plans approved by our office will be implemented as agreed. Implementation of these plans also includes reporting to this office on a quarterly basis, the progress of implementation. We have not received a report from you since July 1980. We request that you submit to us by June 1, 1981 and quarterly thereafter your progress in the implementation of your plan.

Sincerely yours,

Maria C. Montalvo
Director
Elementary and Secondary
Education Division
Office for Civil Rights

CC:

OFFICIAL
READER/ES
READER/RRR
GREEN/BURNS

LANIER/OCR/ED/ES/BP/acr/5-20-81
SHELL 1-4/A-D Disk Becky/ESAA #7

Enclosure

FILE
COPY

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
ES	Burns	5/21						

APPENDIX L

City of Manchester
School Department

Administration Building
88 Lowell Street
Manchester, New Hampshire 03104
(603) 624-6300

Henry J. McLaughlin
Superintendent
Louis R. DesRuisseaux
Assistant Superintendent
Elise B. Tougas
Assistant Superintendent
Paul L. O'Neil
Teacher Consultant

May 28, 1981

Ms. Maria C. Montalvo, Director
Elementary and Secondary Education Division
Office for Civil Rights
U. S. Department of Education, Region I
149 Federal Street, 14th Floor
Boston, MA 02110

Dear Maria:

Attached is the end of the school year report on our implementation of the Title VI, Civil Rights Act, Compliance Plan approved by your office on December 30, 1977.

The Language Assessment Proficiency Team (LAPAT) has been meeting regularly to review the needs of students relative to language problems. They wrestled with the question of how to respond to the reporting format you suggested in your letter of June 16, 1980. Finally, it was decided to send you copies of the individual profiles of students who had been put through the process in any way during this school year. I believe in this way, you will have all the relevant information you need.

There are:

1. Agenda of LAPAT meeting of June 5, 1980
2. Minutes of " " " " " "
3. Agenda of " " " December 1, 1980
4. Minutes of " " " " " "
5. Agenda of " " " January 13, 1981
6. Minutes of " " " " " "
7. Agenda of " " " March 10, 1981
8. Minutes of " " " " " "
9. Agenda of " " " May 12, 1981
10. Minutes of " " " " " "
11. Student Profiles (67)

Sincerely,

Henry J McLaughlin

Henry J. McLaughlin
Superintendent

EBT/dpr

Enc.

MEETING OF L.A.P.A.T. GROUP

Thursday, June 5, 1980, 2:45 P.M.
Webster School

AGENDA

1. Minutes of meeting of March 25, 1980
2. Review of TESOL students
3. Review of other students
4. Other
5. Adjournment

N.B.: Change of date due to schedule clash.

MINUTES OF MEETING OF L.A.P.A.T.

Thursday, June 5, 1980
Webster School

The meeting was called to order at 2:50 P.M.

Present: Marjorie Benz, Alix Guerin, Laila Duffy, Lavinia Nelson, Paul O'Neil, Dr. Tougas
N.B.: Mr. O'Neil had to leave at 3:25 P.M.

1. The minutes of the meeting of March 25, 1980, were accepted as written.

2. The TESOL teachers, Laila Duffy and Alex Guerin, distributed copies of enrollment lists of their students with recommended services and placements. (Copy attached for record.) The needs of each of the students were discussed in detail so that plans could be made for September.

3. Needs discussed:

   a. Needed psychological testing in Spanish

   b. Suggestion that those students who could profit from summer school should attend if possible. As of now, it is known that several junior and senior high school students will attend.

   c. Reports on evaluations need to be available in Spanish in several cases.

   d. TESOL students, aged 6 through 13, should be taught at Webster. TESOL students, age 14 and older should be provided for at Central High School.

4. Individual progress reports on all assigned students were carefully studied.

5. The services of BASK were offered by Mrs. Benz for those for whom they could be helpful.

MEETING OF L.A.P.A.T. GROUP

Monday, December 1, 1980, 2:45 P.M.
WEBSTER SCHOOL

AGENDA

1. Minutes of meeting of June 5, 1980
2. New reporting format for OCR, review of Compliance Plan
3. Review of TESOL students
4. Review of former TESOL students
5. Other
6. Adjournment

N.B.: Jack Leahy will be replacing Lavinia Nelson on the LAPAT team.

L.A.P.A.T.

MINUTES OF MEETING

December 1, 1980

The meeting was called to order at 2:58 P.M.

Members present: Dr. Elise Tougas, Alix Guerin, Laila Duffy, Marjorie Benz, John Leahy, Paul L. O'Neil

The minutes of the previous meeting held June 5, 1980, were approved as printed. Dr. Tougas requested that the memo regarding student placement listings be stapled to the June 5 minutes.

Mr. Leahy, Director of Pupil Personnel Services, was welcomed as a new member of L.A.P.A.T. replacing Mrs. Lavinia Nelson, who has retired.

Dr. Tougas reminded members that a local visitation is scheduled for December 9, 1980, by members of the Boston Office of Civil Rights. Those planning to be with us include Ms. Lombardo and Ms. Dowd. The meeting was originally set for December 5 but was later rescheduled to December 9.

Reporting procedures for quarterly reports were reviewed as well as the cumulative annual report by total school enrollment.

The Manchester Compliance Plan was reviewed especially, (a) "identification", (b) "teacher questionnaire".

Teachers of the TESOL program were urged to continue searching for newer testing materials (p. 7). As in the past, Mr. O'Neil will write for sample test materials for review.

In another reminder, the TESOL teachers were requested to keep records and documentation of each transaction concerning each student (i.e., home visits, parental visitations to school, interview summaries, testing, etc.).

OCR's suggested cumulative report form was reviewed for the benefit of all members of the team:

items reviewed - 1, 2, 3, 4
5. does not apply
6. not applicable
7. assign I.D. numbers instead of using names
8. I.D. numbers not names
9. not applicable
10. I.D. numbers not names
category of all students mainstreamed
(Title I--reading and math only)
11. not applicable
12. E. Tougas to inquire about the exact meaning of this item with OCR visitors
(in present form, it is not applicable)

"New Students Referral Form" reviewed and a code system discussed:

suggested plan:	(77-78) (yr.)	School Abbrev.	Student Number Code

Additional copies of referral form to be distributed and reviewed by principals on December 2 and 3.

Principals: omit items E., F., G., on new students

E. dominance test
F. LAU classification
G. prof. assessment

Regarding agenda item #4, it was reported that the follow-up on mainstreamed students is continuing nicely with guidance counselors. A new form is to be developed for TESOL teachers with reporting dates suggested as January and May.

Agenda #5. (none)

Agenda #6. Adjournment at 4:35 P.M.

Respectfully submitted,

Paul L. O'Neil
Teacher Consultant

MEETING OF L.A.P.A.T. GROUP

Tuesday, January 13, 1981, 2:45 P.M.
Webster School

AGENDA

1. Minutes of meeting of December 1, 1980
2. Report on visitation by U. S. Commission on Civil Rights representatives, Maria Lombardo and Patricia Duval (12/9/80)
3. New reporting format
4. Review of TESOL students
5. Review of former TESOL students
6. Review of prospective TESOL students
7. Other
8. Adjournment

MINUTES OF THE L.A.P.A.T. MEETING

January 13, 1981, 2:55 P.M.

The meeting was called to order at 2:55 P.M.

Members present: Dr. Tougas, L. Duffy, A. Guerin, M. Benz, Mary Byrne
Absent: J. Leahy

The minutes of the December 1 meeting were approved as presented.

The chair briefly reported on the visitation by Ms. Lombardo and Ms. Dowd on December 19, 1980, consultants contracted by Commission on Civil Rights to monitor the OCR's work dealing with compliance plans such as the Manchester program. There was a meeting at 88 Lowell Street, after which they traveled to the TESOL site at the Webster School, visiting classrooms and conversing with the staff. Their questions briefly involved: (a) forms; (b) testing programs; (c) placement; (d) Hoffman-Adame checklist; (e) services rendered and needed; (f) bilingual programs. It was reported to be a very pleasant visit at both locations.

The fact that there is no need for a bilingual program is based upon lack of sufficient numbers of students at each grade level.

TESOL teachers were asked to complete informational forms on each TESOL student at their earliest convenience.

It was reported that the present enrollment in the TESOL Program is as follows:

Primary Group	12
Intermediate Group	14

TESOL staff indicated the need for additional storage cabinets to store materials.

Mary Byrne reported that a need exists for an IQ test adminsitrator/consultant in the Spanish language at the TESOL site. Ms. Byrne was present to discuss the progress of the Ramirez children.

Ms. Guerin reported that she had a good group of children this year. Ms. Duffy reported that she has a class which includes four (4) students in need of high school placement because of their age, maturity and physical size. Three are 15 years old, one is age 14. The central office administrators will check on high school placement for these four students for second semester 1981.

There are no test results for the 3 Ramirez children as yet, but they are doing much better this year, they seem comfortable in the classroom setting, and are learning new skills with enthusiasm.

A progress report form to use with those TESOL students who have been mainstreamed was discussed. Some preliminary items were noted by the chair and all seemed to think a follow-up report as such is needed. Dr. Tougas will prepare a form for review by committee. Once completed, the forms will be given to TESOL staff who will forward them to appropriate schools and teachers.

MEETING OF L.A.P.A.T. GROUP

Tuesday, March 10, 1981, 2:45 P.M.
Webster School

AGENDA

1. Minutes of meeting of January 13, 1981

2. Review of TESOL students

3. Review of other students

4. Review of new TESOL forms:
   a. Title VI Student Profile b. Follow-up Information

5. Other

6. Adjournment

MINUTES OF THE L.A.P.A.T. MEETING

March 10, 1981

The meeting was called to order at 2:50 P.M. at the Webster School.

Members present: John Leahy, Janice Rooney, Alix Guerin, Dr. Tougas, Paul L. O'Neil

Members absent: Laila Duffy, Marjorie Benz

The minutes of the previous meeting were amended to include the presence of Mr. O'Neil, then the minutes were approved as submitted.

Mr. Leahy reviewed the resume of Consuelo Halpin. This person has been discussed previously as a possible consultant ~~aide~~ in the TESOL program. In her cover letter she states that she would be interested in serving after she will have received her SAIF certification in late spring.

In reviewing the status of certain students in the TESOL program, Miss Guerin reported that she is still awaiting the testing results for the three Ramierez children.

A letter from Principal Christo, of the Gossler Park School, concerning Walter Ribeiro, grade one, was reviewed and will be researched.

It was reported that the updated enrollment figures in the TESOL classes are as follows:

Primary group	11
Intermediate group	9

Student TESOL Profile forms have been updated at the Webster School for last year and this year.

In reviewing the various forms used in TESOL operations, it was decided to prepare a "reminder" sheet for principals and directors listing the LAPAT procedure and the forms necessary at each step.

Dr. Tougas assured the members that frequent reminders are given to the principals on a regular basis, this was confirmed by Mr. O'Neil.

Mr. Leahy requested a supply of these forms (to determine language spoken in the home) to keep at his office to use as required.

Dr. Tougas took the student profiles for Xeroxing and will return them to TESOL.

Follow-up information forms were revised to include the name of the school (second line).

It was reported that Zoilo Bracero, a student in Ms. Duffy's class, has been referred to learning disability teachers at Webster School. Ms. Duffy will attend initial meetings involving this student to assist in the language problem that might develop.

Ms. Guerin stated that it would be most advantageous if the TESOL teachers were given permission to visit the receiving schools early in the Fall to assist in placement problems and to speak with teachers.

No other student problems were reported in either of the TESOL classes.

The next meeting was scheduled for Tuesday, May 12, 1981, at 2:45 P .M., at Webster School.

There being no further business to come before the meeting, adjournment came at 3:53 P.M.

Respectfully,

Paul L. O' Neil
Teacher Consultant

TESOL

FOLLOW-UP INFORMATION

Student Name ______________________________

Grade ____________ Name ______________________________

Mastery of English (encircle one): Good Average Poor

Academic Progress:

Special Services Being Received:

Comments:

Form completed by ______________________________
Teacher's Name

Date: ____________________

Return to:

Dr. Elise B. Tougas
Assistant Superintendent of Schools
88 Lowell Street
Manchester, NH 03104

TITLE VI STUDENT PROFILE

Name of School ______________________ Date ______________

Name of Student ______________________ Student Number __________

Date of Birth ______________________ Sex ______________

Grade at Entrance ______________ LAU Category ______________

Primary Home Language ______________ Ethnic Background ______________

1. English Language Assessment Battery (Pre & Post tests)

   Date administered: ______________ Date administered: ______________

   Level: ______________ Level: ______________

   Grade: ______________ Grade: ______________

   Raw Score: ______________ Raw Score: ______________

   Percentile: ______________ Percentile: ______________

2. Spanish Language Assessment Battery

   Date administered: ______________

   Level: ______________

   Grade: ______________

   Raw Score: ______________

   Percentile: ______________

3. Dominance Test

   Language: ______________ Date administered: ______________

   Pupil tests: ______________ Preferred home language: ______________

4. Language Skills Checklist

   Date completed: ______________

   Findings:

5. French Proficiency Test

Date administered:__________________

Raw Score: _________________________ Stanine:______________________________

6. Greek Proficiency Test

Date adminsitered:__________________ Raw Score:____________________________

7. Achievement Test

Test: ______________________________ Grade:________________________________

Result:

8. Program Placement

Date:_______________________________ Program:______________________________

9. Comments:

MEETING OF L.A.P.A.T. GROUP

Tuesday, May 12, 1981, 2:45 P.M.
Webster School

AGENDA

1. Minutes of meeting of March 10, 1981.

2. Review of TESOL students

3. Review of other students

4. Other

5. Adjournment

MINUTES OF THE L.A.P.A.T. MEETING

Tuesday, May 12, 1981

The meeting was called to order at 2:50 P.M. at the Webster School.

Members present: John Leahy, Alix Guerin, Laila Duffy, Marjorie Benz, Dr. Elise Tougas

Member absent: Paul L. O'Neil

1. The minutes of the meeting of March 10, 1981, were amended as follows: In the second paragraph, second line, change the word "aide" to "consultant."

2. Review of TESOL students.

   a) Staffings were to start the following week. It is expected that in Mrs. Duffy's class eight (8) will be mainstreamed and one will probably remain in TESOL. Of those in Miss Guerin's class, five will probably be mainstreamed and five will probably remain since they started the program only halfway through the year.

   b) Laila Duffy: Two TESOL students may be programmed into the low-level class at Parkside. The two Ramirez children will possibly be staffed into the EMR class at Parkside. Zoila Bracero will be tested, perhaps by Consuela Halpin.

   c) William Ramirez will be staffed on May 13 for Brown School. Johana Viera Beech, gr. 2, may need C. Halpin's help.

3. Review of former TESOL students.

   a) Follow-up forms will be given to TESOL teachers for filing in their project folders. Now and in the future a copy of the follow-up form will be kept in the student's cumulative folder before the original is sent to TESOL.

   b) Also the follow-up forms will be sent out twice a year, on November 1 and March 20. When the form is returned to TESOL, it will be examined for possible referral for further services.

   c) A new #8 will be added to the Reminder List concerning the point mentioned in b) above.

4. Other:

   a) Re Carolyn Perez, kindergarten pupil at Green Acres in September 1981, it was noted that the parents requested that notices be given in Spanish. Dr. Tougas was to contact Jack Devine to insure that he would see to this matter.

   b) A report will be made to OCR in the near future.

5. The meeting adjourned at 4:05 P.M.

Respectfully submitted,

Elise B. Tougas, PH.D.
Chairman

REMINDER LIST

...REGARDING NEW STUDENTS WHOSE PRIMARY LANGUAGE IS OTHER THAN ENGLISH...

1. PS-4/R: What language other than English is spoken at home?
2. Parent Questionnaire from the Title VI Civil Rights Compliance Plan
3. If 3 or more answers are other than English in #2, then,

   Referral to TESOL personnel (L. Duffy or Alix Gurerin) Form available
4. Appropriate testing will occur (L. Duffy or A. Guerin will go to school)
5. Staffing with building team (Principal, counselor, teacher and appropriate others)
6. Decision of team regarding placement
7. Later on, when students are judged ready to leave TESOL program, a staffing should be held again by the building team at receiving school as well as the TESOL teacher.
8. Follow-up information forms will be sent on November 1 and March 20 to principals of schools to which students who have been discharged from the TESOL program have been transferred. These should be completed by the appropriate person and then returned to the Assistant Superintendent for transmittal to the TESOL teachers. A copy should be kept at the school in the student's cumulative folder.

April 15, 1981
Revised, May 14, 1981

CUMULATIVE ENROLLMENT OF LIMITED ENGLISH SPEAKING STUDENTS

.A. By school, please provide:

1. Total school enrollment.
2. Number of students with a Primary Home Language Other Than English.
3. Number of Limited English Speaking students by language group (LAU Categories A, B, C).
4. Number of students enrolled in ESL, alone, by language group.
5. Number of students enrolled in Bilingual/ESL by language group.
6. Number of students in Bilingual and Partial Mainstream by language group.
7. Names and language group of students determined will be exited and specific data on reasons for exit.
8. Names of Limited English Speaking students referred for special education and reasons for referral.
9. Names of Limited English Speaking students receiving Bilingual/Special Education services by specific disability, language group, Lau category.
10. Names of Limited English Speaking students receiving Title I services by specific disability, language group, Lau category.

NEW STUDENTS ENTERING THE SCHOOL SYSTEM

1. Name of School.
2. Total Enrollment.
3. Enrollment of new students w/primary home language other than English.
4. Name of student:
    a. Grade at entrance
    b. Primary Home Language
    c. Home Survey Date
    d. Classroom Survey/Observation date
    e. Dominance test
        1. Yes/No
        2. Date
    f. Lau Classification
    g. Proficiency Assessment
        1. Primary language/results
        2. English/results
    h. Achievement tests administered and results
    i. Other assessments
    j. Program Placement/Date
        Regular
        ESL
        Other

TESOL Program

[illegible]

Name / Country	DOB	Age as Sept 30	Address	School Placement	Comments
	7-9-70	10-1	70 West River Drive	Webster School 5th grade	Entered TESOL in Jan but he is definitely ready
	7-11-68	[illegible]	56½ Kimball St	TESOL	Very slow learner Has attended TESOL since [illegible] Should return next year
	9-1-65	15-0	1141 Mammoth Rd	Central [illegible]	Finished 5th grade in Uruguay. Has been tested by Consuelo [illegible]
	12-2-66	13-8	Capitol Hill Drive Apt K 140 Londonderry	???	
	2-18-64	16-6	90 Mechanic St	???	Entered TESOL on 3-25-69. Finished 8th grade — I would not like to bring her back
	7-2-66	14-1	90 Mechanic St	TESOL.	Finished 7th grade in [illegible]. Should return next year
	7-31-63 3- . . 69	17-1 13-0	1137 Mammoth 383	Central Pinkerton High School Yes, [illegible] TESOL	A special program is going to be set up for [illegible]
	12-19-68	11-8	108 Bridge St	5th grade Shaw School	Completed 3rd grade. Attended only 3 months of 4th grade.

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TESOL PROGRAM [illegible]

Name / Country	D.O.B.	Age as Sept 30	Address	School Placement	Comments
	4-12-67	13-4	102 Bridge St	Hillside J.H 8th grade	
	11-19-66	13-9	471 Kimball St	Special Class 299	Has been tested by Dr Nelson & C. Halpen
	8-22-67	13-0	353 Kimball St	Parkside J.H 7th grade	Has attended TESOL since 1-11-79. He attended 4½ years of school in P.R. His progress in English is slow.
	12-6-69	10-9	945 Sommerville St	5th Hallsville Sch	
	8-3-65	15-0	40 Brooklyn Ave.	Memorial H.S. 9th	
	5-23-67	13-0	373 Kimball St	-TESOL	Has been in TESOL since 10-29-79. His lang has improved very little. I feel he needs some psychological testing.

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PLACEMENT - SEPT. 1980

NAME	ADDRESS	AGE SEPT. 1	SCHOOL	GRADE	SERVICES NEEDED
	420 Maple	8-3	Beech	1	BASK - L.D./O.T. - Speech-Lang
	370 Kimball	7-1	Brown Primary	1	M.D. - Psych. - Speech-Lang .
	491 Kimball	8-0	Brown Primary	1	Bask - Psych - L.D.
	491 Kimball	12-1		EMR	
	491 Kimball	11-0		EMR	
	383 Kimball	7-9	Brown Primary	1	BASK - Psych - L.D. - Speech
	333 Kimball	11-0	Brown Middle		Speech - BASK - L.D. - Psych
	373 Kimball	8-2	Brown Primary		Psych - L.D. - Bask
	35 Andrew	8-4	Webster	3	
	945 Somerville	8-0	Hallsville	2	
	491 Kimball	9-6	Brown Middle	3	Counseling - BASK
	1147 Mammoth	8-7	Webster	TESOL	
	569 Kimball	10-11	Webster	TESOL	Psych.
	118 Beech	9-4	Webster	TESOL	
	19 Welch	7-0	Webster	TESOL	

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APPENDIX M

ROBERT L. BRUNELLE
COMMISSIONER
NEAL D. ANDREW, JR.
DEPUTY COMMISSIONER

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION

DIVISION OF
VOCATIONAL-TECHNICAL EDUCATION
105 LOUDON ROAD, BLDG. 3
CONCORD, N. H. 03301
271-2726

June 11, 1981

Henry J. McLaughlin, Supt., SAU #37
88 Lowell St.
Manchester, NH 03104

Dear Henry:

I would like to express appreciation for the cooperation afforded our review team during the on-site visits to Manchester conducted May 5-7.

The purpose of our review was to determine the compliance of the school's vocational programs in regard to Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title VI of the Civil Rights Act of 1964.

While significant progress has been made in implementing the regulations, our investigation revealed that there were several areas of apparent noncompliance.

Title VI of the Civil Rights Act of 1964

Title VI provides that:

> No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title VI Findings:

The review team acknowledges that the Manchester School System is currently addressing certain noncompliance issues regarding Title VI under a Voluntary Compliance Plan negotiated with the Office of Civil Rights.

Several discrepancies in the implementation of the compliance plan were noted:

1.0 Identification of students' primary or home language (Lau Remedies, Title VI, Civil Rights Act Compliance Plan).

  1.1 Based on the evidence received, the process of identification set forth in 1.1.6 and 1.1.5 of the Manchester Title VI Civil Rights Act Compliance Plan is not followed consistently, or in some cases not followed in the Manchester Public Schools.

  1.2 Based on the evidence reviewed, there is no formal, consistent process for recording the identification of other than English speaking students and no record of students identified as other than English speaking kept by the school attended by the student identified.

2.0 Diagnostic/Prescriptive approach (law Remedies, Title VI, Civil Rights Act Compliance Plan).

2.1 Based on the evidence, students are tested for English dominance by the CRANE Oral Dominence Test. Only Spanish speaking students are tested for dominance with the use of the CRANE. No student is tested for language proficiency. The district uses the LAB for proficiency. According to the publisher, the LAB is a reading assessment test not an English or Spanish proficiency test. Further, the Ruel Reading Test is not a proficiency test.

2.2 Based on the evidence, there are no structural, systematic testing procedures in subject matter areas either in the language of the student or in English.

3.0 Educational Program selection.

3.2 There is no evidence of a structured and systematic exit of students from the program provided to other than English speaking students.

4.0 Notification to parents of students whose primary or home language is other than English.

4.1 Based on the evidence, there is no structured and systematic process for informing parents of students' academic progress, programs and school activities.

Within the next 90 days, please submit plans for corrective action in the areas cited. It is the policy of this department to try to settle non-compliance problems without initiating the OCR enforcement process. Should you need any technical assistance in this process, please contact the OCR Coordinator, Judith D. Fillion (271-2726), or any of the specialists listed below.

Dr. Nishma Duffy, Equal Access Consultant	- 271-2387
Patricia Burkush, Title IX Consultant	- 271-3196
John Bean, Handicapped Services Consultant	- 271-3451
Alan Hodsdon, Disadvantaged Services Consultant	- 271-3588
Stuart Pickard, Compliance Officer for 504	- 271-2340
Victoria Richart, Equal Educational Opportunity Consultant	- 271-2130

Please be assured that we will assist you in any way in overcoming these deficiencies.

Again, thank you for your cooperation and also the cooperation of your staff in this activity. We look forward to working with your agency in the future.

Sincerely,

Dr. Duane I. Pierce, Chief
Division of Vocational-Technical Education

DIP:lc
cc: W. Burns, Princ., Central
B. Krauzer, Princ., Memorial
R. Baines ~~C. Quinn~~, Princ., West
J. Covis, Voc. Dir.
T. Sullivan, Coop. Coord.

APPENDIX N

UNITED STATES DEPARTMENT OF EDUCATION
REGION I
140 FEDERAL STREET, 14th FLOOR
BOSTON, MASSACHUSETTS 02110

OFFICE FOR
CIVIL RIGHTS

July 30, 1982

Mr. Henry J. McLaughlin
Superintendent
Manchester School Department
Administration Building
88 Lowell Street
Manchester, New Hampshire 03101

Review No. 01-82-5019

Dear Superintendent McLaughlin:

The Office for Civil Rights (OCR) has completed the monitoring review of your school district's implementation of the Lau Compliance Plan. This review was conducted under the legal authority provided in Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.) as it pertains to national origin minority students as interpreted by the Supreme Court decision in Lau v. Nichols 414 U.S. 563 (1974).

The areas of the Compliance Plan reviewed included:

Identification
Assessment
Placement
Personnel
Monitoring of Student Progress
 and Exit Criteria

During the course of our monitoring review we found that your school district is implementing the Lau Compliance Plan approved by OCR. We recognize that your school district has attempted to provide an equal educational opportunity to non and limited English speaking students since December 1977, however our review revealed some areas of concern as follows:

> As part of the Compliance Plan, the Manchester School Department developed procedures by which non and limited English speaking students would be assessed for native languages dominance, proficiency and native language and English academic achievement. Due to a lack of acceptable testing instruments for this purpose in the languages represented in the school district, these goals in the compliance plan have not been achieved.
>
> The Manchester School Department has no procedures by which parents who speak languages other than Spanish and French are effectively notified of any school program or activity.

The Manchester School Department has recently begun to provide services to non and limited English speaking students at the High School. There appears to be a lack of co-ordination between the teachers at the elementary level and the teacher at the high school. The procedures for the assessment and placement of high school students in the program are not consistently followed.

The Compliance Plan sets out procedures by which students' progress is monitored while receiving special language services. The English proficiency of these students is re-evaluated periodically, yet we found no evidence of the monitoring of academic achievement in English formally or informally.

Student record files are kept for all new students referred to the Bilingual/ESL teachers for language evaluation. There was no evidence in these folders of the results of the home and classroom surveys, the date of placement in classes to meet their linguistic needs and evidence of parental notification of placement. In addition, we found that for those students who were recommended for regular class placement, there were instances where a student's native language proficiency exceeded his/her level of English proficiency which was below the 20th percentile, yet there was no reason for placement in the regular program.

Recommendations

The School District should research other testing instruments that would be suitable and acceptable to the population represented in Manchester. This could be done through contacting other directors of bilingual programs with similar populations and various testing and evaluation centers located nationally.

A procedure should be developed by which all parents are effectively notified of all school activities and programs.

Procedures should be developed by which all teachers in the bilingual/ESL program are informed of the elements of the compliance plan and work together consistently in the indentification, assessment and placement of non and limited English speaking students.

A procedure should be developed by which students are assessed for academic achievement, either formally or informally, in co-ordination with the school district's regular testing program.

The school district should develop a procedure of ensuring that the student-record files include all of the necessary information concerning the identification, assessment, placement and monitoring of students enrolled in the Bilingual program, and these files should be updated periodically.

These recommendations are intended to indicate some of the ways in which your district can continue to ensure that all students with a primary or home language other than English, receive the type of services necessary to meet their needs.

Our office has noted your efforts to provide an equal educational opportunity to all limited and non-English speaking students. Although we we are closing this monitoring review, we are requesting that you continue to submit to our office quarterly reports on the continued implementation of the Compliance Plan and the recommendations made in this letter. At this time, we are closing this monitoring review.

The findings and conclusions of this letter cover only the civil rights issues that have been specifically investigated.

Obligations of the Office for Civil Rights under the Freedom of Information Act may require that we release this letter and other information about this case upon request by the public. In the event OCR receives such a request, we will make every effort to protect information contained herein that identifies individuals or that, if released, would constitute an unwarranted invasion of privacy.

We thank you and your staff for your cooperation in this matter. If you have any questions, feel free to call Ms. Maria C. Montalvo, Director, Elementary and Secondary Education Division, or Ms. Beverly Brown at (617) 223-4405.

Sincerely,

Richard V. E. McCann
Regional Director
Office for Civil Rights
Department of Education

APPENDIX O

City of Manchester
School Department

Administration Building
88 Lowell Street
Manchester, N.H. 03101-1684
(603) 624-6300

Henry J. McLaughlin
Superintendent
Louis R. DesRuisseaux
Assistant Superintendent
Leonard J. Bernard
Assistant Superintendent

September 30, 1982

Mr. Jacob Schlitt
Regional Director
New England Regional Office
55 Summer Street
Boston, Massachusetts 02110

Dear Mr. Schlitt:

I am in receipt of a copy of the "Evaluative Study of the Manchester, New Hampshire Title VI Compliance Plan" prepared by the N. H. Advisory Committee.

It is a very lengthy and complicated document that is outdated and contains many statements that are not true. The fact that the limited survey was done two years ago, plus the fact we have corrected many of the alleged infractions renders the document useless as of 1982.

We received a very favorable review from the Office of Civil Rights regional office, Richard McCann, Director, on July 30, 1982. (A copy is attached)

One quote tells it all - "During the course of our monitoring review we found that your school district is implementing the LAU Compliance Plan approved by O.C.R.

The suggestions for further improvement are already being addressed by our local school administrators.

To have this survey presented to us at this date is both unfortunate and unfair. We have worked very hard to reach our present position regarding LAU Compliance and have been subject to many and frequent investigations. Frankly, we don't need any more organizations checking on this school department. We have reacted positively to all suggestions for improving our service to students according to LAU and have writted proof that our plan is approved and the monitory review is closed.

Mr. Jacob Schlitt
Regional Director
N. E. Regional Office
Boston, Massachusetts

To cite some specific examples of misstatements and errors of fact, I wish to mention the following examples:

Page 1. "In 1979 and 1980 the Advisory Committee was informed by members of the Hispanic community that violations continued. Although the linguistic minority children were removed from the school for the educable mentally retarded, the approach to identifying and educating non-English speaking children saw no improvement." Since 1978 the Manchester schools have been following very carefully the method approved by O.C.R. for identifying the primary language of non-English students.

Page 5. "A compliance plan was developed to correct these violations, using LAU Remedies; but in a number of aspects the Manchester plan was not in conformity with LAU Remedies and enforcement appeared lacking." The plan submitted by the Manchester School District was accepted by O.C.R. and according to their latest report has been closely enforced.

Page 11. "It was in October 1975 that the N. H. Advisory Committee first informed Asst. Supt. L. DesRuisseaux that some Spanish speaking children were being assigned to classes for the mentally retarded at the Maynard Elementary School; that there were no adequate English language support services provided by the school district at the high school level; and that children were staying away from school because they were not receiving an adequate educational program."

Spanish speaking children were not or ever assigned to classes for the mentally retarded. Their classes were merely located in the same building as other special education classes.

Since the time of the original report, English language support services have been added at the High School level.

The school district is not aware of a single incident in which a child stayed away from school for lack of an adequate educational program.

As I indicated earlier in this letter, we are working on adopting the recommendations for improved student services as a result of the July 30, 1982 O.C.R. letter.

I believe to give this report any credence or publicity at this time would not be in the interests of the students we are serving.

Mr. Jacob Schlitt
Regional Director
N. E. Regional Office
Boston, Mass.

It is not timely and could serve to be an unnecessary deterrent to the improving condition of the minority students.

In the event of a press release, I would appreciate hearing from you prior to it being printed. We have a wide open policy with nothing to hide. In fact, we are very proud of our program and will certainly defend to the utmost our present acceptable compliance plan.

Sincerely yours,

Henry J. McLaughlin

HENRY J. MCLAUGHLIN
SUPERINTENDENT OF SCHOOLS

HJM:em

CC:Marie C. Montalvo
Sylvia & Philip Chaplain

APPENDIX P

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UNITED STATES DEPARTMENT OF EDUCATION
REGION I
140 FEDERAL STREET, 14th FLOOR
BOSTON, MASSACHUSETTS 02110

OFFICE FOR
CIVIL RIGHTS

October 12, 1982

Mr. Jacob Schlitt
Regional Director
U. S. Commission on Civil Rights
New England Regional Office - 8th Floor
55 Summer Street
Boston, Massachusetts 02110

Dear Mr. Schlitt:

I would like to take this opportunity to thank you for providing us with a draft of the Evaluative Study of the Manchester, New Hampshire Title VI Compliance Plan and the opportunity to review and comment on it.

The Manchester Lau Compliance Plan was one of the first compliance plans approved by this regional office under the "Lau Remedies". Since that time, we have, like the school districts developing and implementing compliance plans, found better and more efficient ways to meet the Lau guidelines.

Our monitoring of the Manchester Lau Plan, as stated in your report, has been difficult because of staffing problems. We have recently completed a monitoring review. This review was conducted keeping in mind that the Lau Remedies have been withdrawn and Departmental directives require that we use a more flexible approach in determining the district's compliance with Title VI.

Our findings, a copy of which was provided to Elpidio Collazo of your staff, were made using the May 25, 1970 Memorandum as a guideline. This guideline requires that schools attempt to meet a two-fold objective: (a) to teach English well enough to permit students to participate effectively in the school's instructional program; and (b) to accomplish this in such a manner that students are not ultimately precluded from effectively participating in the school's program because they were excluded from instruction other children received during the time they were learning English.

We commend the efforts made by the New Hampshire Advisory Committee on the thorough analysis conducted and the development of this concise report.

If we can be of further assistance, please feel free to contact me at (617) 223-4405.

Sincerely yours,

Maria C Montalvo

Maria C. Montalvo
Director
Elementary and Secondary
 Education Division
Office for Civil Rights
Department of Education